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MILITARY LAWS

OF THE

UNITED STATES.

THE

MILITARY LAWS

OF THE

UNITED STATES,

RELATING TO THE

ARMY, VOLUNTEERS, MILITIA, AND TO BOUNTY LANDS AND PENSIONS,

From the Foundation of the Government to the Year 1863.

TO WHICH ARE PREFIXED

THE CONSTITUTION OF THE UNITED STATES, (WITH AN INDEX THERETO,) AND A SYNOPSIS OF THE MILITARY LEGISLATION OF CONGRESS DURING THE REVOLUTIONARY WAR.

By JOHN F. CALLAN,

CLERK TO MILITARY COMMITTEE, UNITED STATES SENATE.

=U. S. Laws, Statutes, etc.=

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U. S. MILITARY LAWS.

SECOND EDITION.

THE former edition of this work is entirely out of print; and so many material changes have been recently made in these laws that there is a pressing necessity for this re-issue in an enlarged and corrected form. This edition embraces all the Congressional legislation in regard to the Army, Volunteers and Militia, Bounties, Pensions, &c., from the formation of the Government to the end of the past session of Congress. These laws, chronologically arranged, are all inserted *in full*, distinguishing by a larger type those in force from those which have been repealed or are obsolete, with ample notes and references, and the legal decisions in all the cases where they have been given. All the chapters are numbered to correspond with those of Little & Brown's edition of the Statutes at Large; and every act refers to the volume and page of the Statutes, where it may also be found, and no other code is referred to. The running heads indicate the contents of each page, thus forming a complete history of the military legislation of the country.

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Constitution of the United States.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Section 1.

1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The

actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three; *Massachusetts* eight; *Rhode Island* and *Providence Plantations* one; *Connecticut* five; *New York* six; *New Jersey* four; *Pennsylvania* eight; *Delaware* one; *Maryland* six; *Virginia* ten; *North Carolina* five; *South Carolina* five; and *Georgia* three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION 3.

1. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class, shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.

1. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each house shall be the judge of the elections, returns, and qualifications, of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2. Each house may determine the rule of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as

may in their judgment require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall

become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the supreme court: to

define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

11. To raise and support armies; but no appropriation of money to that use, shall be for a longer term than two years:

12. To provide and maintain a navy:

13. To make rules for the government and regulation of the land and naval forces:

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and,

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

3. No bill of attainder or ex post facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money, shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION 10.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque or reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. [The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.][1]

[1] This clause superseded—see Amendments, art. 12.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident of the United States.

6. In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION 2.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent

of the senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.

1. He shall, from time to time, give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION 4.

1. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices

during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2.

1. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming land under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.[1]

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption

[1] See Amendments, art. 11.

of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1.

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION 2.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.

1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION 4.

1. The United States shall guaranty to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; any thing in the constitution or laws of any state to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the seve-

ral states, shall be bound by oath or affirmation, to support this constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.
John Langdon,
Nicholas Gilman.

MASSACHUSETTS.
Nathaniel Gorham,
Rufus King.

CONNECTICUT.
Wm. Samuel Johnson,
Roger Sherman.

NEW YORK.
Alexander Hamilton.

NEW JERSEY.
William Livingston,
David Brearly,
William Patterson,
Jonathan Dayton.

PENNSYLVANIA.
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Governeur Morris.

DELAWARE.
George Read,
Gunning Bedford, jun.,
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.
James M'Henry,
Daniel of St. Thomas Jenifer,
Daniel Carroll.

VIRGINIA.
John Blair,
James Madison, jun.

NORTH CAROLINA.
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

SOUTH CAROLINA.
John Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA.
William Few,
Abraham Baldwin.

Attest,
WILLIAM JACKSON, *Secretary.*

IN CONVENTION.

MONDAY, *September* 17, 1787.

Resolved, That the preceding Constitution be laid before the United States in Congress assembled; and that it is the opinion of this Convention that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each convention, assenting to and ratifying the same, should give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this Convention, that, as soon as the conventions of nine states shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution; that, after such publication, the electors should be appointed, and the Senators and Representatives elected; that the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute the Constitution.

By the unanimous order of the Convention:

G. WASHINGTON, *President.*

IN CONVENTION.

September 17, 1787.

SIR: We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident: hence results the necessity of a different organization.

It is obviously impracticable, in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend, as well on situation and circumstances, as on the object to be obtained. It is at all times difficult to draw with precision, the line between those rights which must be surrendered and those which may be reserved; and, on the present occasion, this difficulty was increased by a difference among the several states, as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union; in which is involved our prosperity, felicity, safety—perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not perhaps to be expected; but each will doubtless consider, that, had her interests alone been consulted, the consequences might have been particularly disagreeable or injurious to others. That it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants.

By the unanimous order of the Convention

G. WASHINGTON, *President.*

His Excellency the PRESIDENT *of Congress.*

The United States in Congress assembled.

FRIDAY, *September* 28, 1787.

Congress having received the report of the convention lately assembled in Philadelphia,

Resolved, unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof, in conformity to the resolves of the convention, made and provided in that case.

CHARLES THOMSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.[1]

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a

[1] It is not perceived that the "manner" of quartering soldiers in time of war, without the consent of the owners of houses, has yet been prescribed by law.

grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb: nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.[1]

1. The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

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[1] See article ii. section 1, clause 3.

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

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ORIGINAL RULES AND ARTICLES OF WAR.

IN CONGRESS—*September* 20, 1776.

Resolved, That from and after the publication of the following articles, in the respective armies of the United States, the rules and articles by which the said armies have heretofore been governed,[1] shall be, and they are hereby repealed.

SECTION I.[2]

ARTICLE 1. That every officer who shall be retained in the army of the United States, shall, at the time of his acceptance of his commission, subscribe these rules and regulations.

ART. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service: and all officers and soldiers who shall behave indecently, or irreverently, at any place of divine worship, shall, if commissioned officers, be brought before a general court-martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined for twenty-four hours; and, for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied to the use of the sick soldiers of the troop or company to which the offender belongs.

ART. 3. Whatsoever non-commissioned officer or soldier shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and if a commissioned officer be thus guilty of profane cursing or swearing, he shall forfeit and pay, for each and every such offence, two-thirds of a dollar.

ART. 4. Every chaplain who is commissioned to a regiment, company, troop, or garrison, and shall absent himself from the said regiment, company, troop, or garrison, (excepting in case of sickness or leave of absence) shall be brought to a court-martial, and be fined not exceeding one month's pay, besides the loss of his pay, during his absence, or be discharged, as the said court-martial shall judge most proper.

SECTION II.

ART. 1. Whatsoever officer or soldier shall presume to use traitorous or disrespectful words against the authority of the United States in Congress

[1] See Resolutions of 30th June and 7th November, 1775.

[2] These rules and articles, with their supplements, were adopted for the army of the United States, under the constitution, and remained in force till 1806, when they were repealed and supplied by sec. 3, chap. 20, April 10, 1806.

assembled, or the legislature of any of the United States in which he may be quartered, if a commissioned officer, he shall be cashiered; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted upon him by the sentence of a court-martial.

ART. 2. Any officer or soldier who shall behave himself with contempt or disrespect towards the general, or other commander-in-chief of the forces of the United States, or shall speak words tending to his hurt or dishonor, shall be punished according to the nature of his offence, by the judgment of a court-martial.

ART. 3. Any officer or soldier who shall begin, excite, cause or join in any mutiny or sedition, in the troop, company, or regiment to which he belongs, or in any other troop or company in the service of the United States, or in any part, post, detachment, or guard, on any pretence whatsoever, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

ART. 4. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by a court-martial with death, or otherwise, according to the nature of the offence.

ART. 5. Any officer or soldier who shall strike his superior officer, or draw, or shall lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial.

SECTION III.

ART. 1. Every non-commissioned officer and soldier, who shall enlist himself in the service of the United States, shall at the time of his so enlisting, or within six days afterwards, have the articles for the government of the forces of the United States read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or, where recourse cannot be had to the civil magistrate, before the judge advocate, and in his presence, shall take the following oath, or affirmation, if conscientiously scrupulous about taking an oath:

I swear, or affirm, (as the case may be,) to be true to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever; and to observe and obey the orders of the Continental Congress, and the orders of the generals and officers set over me by them.

Which justice or magistrate is to give the officer a certificate, signifying that the man enlisted, did take the said oath or affirmation.

ART. 2. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him, shall be allowed of as sufficient, which is not signed by a field officer of the regiment into which he was enlisted, or commanding officer, where no field officer of the regiment is in the same state.

SECTION IV.

ART. 1. Every officer commanding a regiment, troop, or company, shall, upon the notice given to him by the commissary of musters, or from one of his deputies, assemble the regiment, troop, or company under his command, in the next convenient place for their being mustered.

ART. 2. Every colonel or other field officer commanding the regiment, troop or company, and actually residing with it, may give furloughs to non-commissioned officers and soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; but no non-commissioned officer or soldier shall, by leave of his captain, or inferior officer, commanding the troop or company (his field officer not being present) be absent above twenty days in six months, nor shall more than two private men be absent at the same time from their troop or company, excepting some extraordinary occasion shall require it, of which occasion the field officer, present with, and commanding the regiment, is to be the judge.

ART. 3. At every muster, the commanding officer of each regiment, troop, or company, there present, shall give to the commissary, certificates, signed by himself, signifying how long such officers, who shall not appear at the said muster, have been absent, and the reason of their absence; in like manner, the commanding officer of every troop or company shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers; which reasons, and time of absence, shall be inserted in the muster rolls opposite to the names of the respective absent officers and soldiers: The said certificates shall, together with the muster rolls, be remitted by the commissary to the Congress, as speedily as the distance of place will admit.

ART. 4. Every officer who shall be convicted before a general court-martial of having signed a false certificate, relating to the absence of either officer or private soldier, shall be cashiered.

ART. 5. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary who shall willingly sign, direct, or allow the signing of the muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses before a general court-martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

ART. 6. Any commissary who shall be convicted of having taken money, or any other thing, by way of gratification, on the mustering any regiment, troop, or company, or on the signing the muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment under the United States.

ART. 7. Any officer who shall presume to muster any person as a soldier, who is, at other times, accustomed to wear a livery, or who does not actually do his duty as a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

SECTION V.

ART. 1. Every officer who shall knowingly make a false return to the Congress, or any committee thereof, to the commander-in-chief of the forces of the United States, or to any, his superior officer, authorized to call for such returns, of the state of the regiment, troop, or company, or garrison,

under his command, or of arms, ammunition, clothing, or other stores thereunto belonging, shall, by a court-martial, be cashiered.

ART. 2. The commanding officer of every regiment, troop, or independent company, or garrison of the United States, shall, in the beginning of every month, remit to the commander-in-chief of the American forces, and to the Congress, an exact return of the state of the regiment, troop, independent company, or garrison under his command, specifying the names of the officers not then residing at their posts, and the reasons for, and time of, their absence: Whoever shall be convicted of having, through neglect or design, omitted the sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court-martial.

SECTION VI.

ART. 1. All officers and soldiers who, having received pay, or having been duly enlisted in the service of the United States, shall be convicted of having deserted the same, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

ART. 2. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop or company, or from any detachment with which he shall be commanded, shall, upon being convicted thereof, be punished, according to the nature of his offence, at the discretion of a court-martial.

ART. 3. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly: And in case any officer shall, knowingly, receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, he, the said officer so offending, shall, by a court-martial, be cashiered.

ART. 4. Whatsoever officer or soldier shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer such punishment as shall be inflicted upon him by the sentence of a court-martial.

SECTION VII.

ART. 1. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, imprisoned, and of asking pardon of the party offended, in the presence of his commanding officer.

ART. 2. No officer or soldier shall presume to send a challenge to any other officer or soldier, to fight a duel, upon pain, if a commissioned officer, of being cashiered, if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court-martial.

ART. 3. If any commissioned or non-commissioned officer commanding a guard, shall, knowingly and willingly, suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger: And likewise all seconds, promoters, and carriers of challenges, in order to duels, shall be deemed as principals, and be punished accordingly.

ART. 4. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers

into arrest, or non-commissioned officers or soldiers to prison, till their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

ART. 5. Whatsoever officer or soldier shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged of any disgrace, or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the orders of Congress, and done their duty as good soldiers, who subject themselves to discipline.

SECTION VIII.

ART. 1. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open, for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future sutling.

ART. 2. All officers, soldiers, and sutlers, shall have full liberty to bring into any of the forts or garrisons of the United American States, any quantity or species of provisions, eatable or drinkable, except where any contract or contracts are, or shall be entered into by Congress, or by their order, for furnishing such provisions, and with respect only to the species of provisions so contracted for.[1]

ART. 3. All officers commanding in the forts, barracks, or garrisons of the United States, are hereby required to see, that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions at the market price, as they shall be answerable for their neglect.

ART. 4. No officers commanding in any of the garrisons, forts, or barracks of the United States, shall either themselves exact exorbitant prices for houses or stalls let out to sutlers, or shall connive at the like exactions in others; nor, by their own authority and for their private advantage, shall they lay any duty or imposition upon, or be interested in the sale of such victuals, liquors, or other necessaries of life, which are brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

SECTION IX.

ART. 1. Every officer commanding in quarters, garrisons, or on a march, shall keep good order, and, to the utmost of his power, redress all such abuses or disorders which may be committed by any officer or soldier under his command; if, upon complaint made to him of officers or soldiers beating, or otherwise ill-treating any person; of disturbing fairs or markets, or of committing any kind of riots to the disquieting of the good people of the United States; he the said commander, who shall refuse or omit to see justice done on the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be punished, by a general court-martial, as if he himself had committed the crimes or disorders complained of.

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[1] Repealed and supplied by resolution of 14th April, 1777.

SECTION X.

ART. 1. Whenever any officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of the good people of any of the United American States, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop, or party, to which the person or persons so accused shall belong, are hereby required, upon application duly made by or in behalf of the party or parties injured, to use his utmost endeavors to deliver over such accused person or persons to the civil magistrate; and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring them to a trial. If any commanding officer or officers shall wilfully neglect or shall refuse, upon the application aforesaid, to deliver over such accused person or persons to the civil magistrate, or to be aiding and assisting to the officers of justice in apprehending such person or persons, the officer or officers so offending shall be cashiered.

ART. 2. No officer shall protect any person from his creditors, on the pretence of his being a soldier, nor any non-commissioned officer or soldier who does not actually do all duties as such, and no farther than is allowed by a resolution of Congress, bearing date the 26th day of December, 1775.[1] Any officer offending herein, being convicted thereof before a court-martial, shall be cashiered.

SECTION XI.

ART. 1. If any officer shall think himself to be wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the general, commanding in chief the forces of the United States, in order to obtain justice, who is hereby required to examine into the said complaint, and, either by himself, or the board of war, to make report to Congress thereupon, in order to receive further directions.[2]

ART. 2. If any inferior officer or soldier shall think himself wronged by his captain, or other officer commanding the troop or company to which he belongs, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial, for

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[1] TUESDAY, DECEMBER 26, 1775.

Whereas there is reason to believe, that divers persons, either from inattention to the public good, or with design to retard the recruiting service, have arrested and imprisoned, for very trifling debts, many soldiers, who had engaged to risque their lives in defence of the liberties of America; and, as it has always been found necessary, in time of war, to regulate and restrain a practice of such pernicious tendency, and, in such cases, to abate the rigor of the law:

Resolved, therefore, That it be recommended to the several legislatures in these colonies, whether assemblies or conventions, to pass acts or ordinances, prohibiting the arrest of continental soldiers for small debts; and in order that the same rule may pervade all the colonies, that no soldier be arrested at the suit of any of his creditors, unless the said creditor make oath, that the said soldier is justly indebted to him in the sum of thirty-five dollars over and above all discounts; and that the estate of no such soldier be liable to attachment at the suit of, or for the benefit of all his creditors, unless their debts in the whole, on being ascertained by their oaths, shall amount to more than one hundred and fifty dollars.

[2] Repealed and supplied by resolution of 14th April, 1777.

the doing justice to the complainant; from which regimental court-martial either party may, if he think himself still aggrieved, appeal to a general court-martial; but if, upon a second hearing, the appeal shall appear to be vexatious and groundless, the person so appealing shall be punished at the discretion of the said general court-martial.

SECTION XII.

ART. 1. Whatsoever commissioned officer, storekeeper, or commissary, shall be convicted at a general court-martial of having sold, (without a proper order for that purpose,) embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores belonging to the United States, to be spoiled or damaged, the said officer, storekeeper, or commissary so offending, shall, at his own charge, make good the loss or damage, shall moreover forfeit all his pay, and be dismissed from the service.

ART. 2. Whatsoever non-commissioned officer or soldier shall be convicted at a regimental court-martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him to be employed in the service of the United States, shall, if a non-commissioned officer, be reduced to a private sentinel, and shall besides suffer corporeal punishment in the same manner as a private sentinel so offending, at the discretion of a regimental court-martial.

ART. 3. Every non-commissioned officer or soldier who shall be convicted at a court-martial of having sold, lost, or spoiled, through neglect, his horse, arms, clothes or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as a court-martial shall judge sufficient for repairing the loss or damage: and shall suffer imprisonment, or such other corporeal punishment as his crime shall deserve.

ART. 4. Every officer who shall be convicted at a court-martial, of having embezzled or misapplied any money with which he may have been entrusted for the payment of the men under his command, or for enlisting men into the service, if a commissioned officer, shall be cashiered and compelled to refund the money; if a non-commissioned officer, shall be reduced to serve in the ranks as a private soldier, be put under stoppages until the money be made good, and suffer such corporeal punishment, (not extending to life or limb) as the court-martial shall think fit.

ART. 5. Every captain of a troop or company is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

SECTION XIII.

ART. 1. All non-commissioned officers and soldiers, who shall be found one mile from the camp, without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

ART. 2. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

ART. 3. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which he shall

be punished, according to the nature of his offence, by the commanding officer.

ART. 4. No officer, non-commissioned officer, or soldier, shall fail of repairing, at the time fixed, to the place of parade or exercise, or other rendezvous appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, or from his guard, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

ART. 5. Whatever commissioned officer shall be found drunk on his guard, party, or other duty under arms, shall be cashiered for it; any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court-martial.

ART. 6. Whatever sentinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

ART. 7. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in case of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the next regimental court-martial.

ART. 8. And every non-commissioned officer conniving at such hiring of duty as aforesaid, shall be reduced for it; and every commissioned officer, knowing and allowing of such ill practices in the service, shall be punished by the judgment of a general court-martial.

ART. 9. Any person, belonging to the forces employed in the service of the United States, who, by discharging of fire-arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

ART. 10. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his platoon or division, shall be punished, according to the nature of his offence, by the sentence of a court-martial.

ART. 11. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States employed in parts out of said states, on pain of death, or such other punishment as a court-martial shall direct.

ART. 12. Whatsoever officer or soldier shall misbehave himself before the enemy, or shamefully abandon any post committed to his charge, or shall speak words inducing others to do the like, shall suffer death.

ART. 13. Whatsoever officer or soldier shall misbehave himself before the enemy, and run away, or shamefully abandon any fort, post, or guard, which he or they shall be commanded to defend, or speak words inducing others to do the like; or who, after victory, shall quit his commanding officer, or post, to plunder and pillage; every such offender, being duly convicted thereof, shall be reputed a disobeyer of military orders; and shall suffer death, or such other punishment, as, by a general court-martial, shall be inflicted on him.

ART. 14. Any person, belonging to the forces of the United States, who shall cast away his arms and ammunition, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

ART. 15. Any person, belonging to the forces of the United States, who shall make known the watch-word to any person who is not entitled to

receive it according to the rules and discipline of war, or shall presume to give a parole or watch-word different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

ART. 16. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish-ponds, houses or gardens, cornfields, enclosures or meadows, or shall maliciously destroy any property whatsoever belonging to the good people of the United States, unless by order of the then commander-in-chief of the forces of the said states, to annoy rebels or other enemies in arms against said states, he or they that shall be found guilty of offending herein, shall (besides such penalties as they are liable to by law,) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

ART. 17. Whosoever belonging to the forces of the United States, employed in foreign parts, shall force a safe-guard, shall suffer death.

ART. 18. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

ART. 19. Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

ART. 20. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the United States; for the neglect of which the commanders-in-chief are to be answerable.

ART. 21. If any officer or soldier shall leave his post or colors to go in search of plunder, he shall, upon being convicted thereof before a general court-martial, suffer death, or such other punishment as by a court-martial shall be inflicted.

ART. 22. If any commander of any garrison, fortress, or post, shall be compelled, by the officers or soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

ART. 23. All sutlers and retainers to a camp, and all persons whatsoever serving with the armies of the United States, in the field, though no enlisted soldier, are to be subject to orders, according to the rules and discipline of war.

ART. 24. Officers having brevets, or commissions of a prior date to those of the regiment in which they now serve, may take place in courts-martial and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop, or company, to which such brevet officers and those who have commissions of a prior date do belong, they shall do duty and take rank both on court-martial and on detachments which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

ART. 25. If upon marches, guards, or in quarters, different corps shall happen to join or do duty together, the eldest officer by commission there, on duty, or in quarters, shall command the whole, and give out orders for what is needful to the service; regard being always had to the several ranks of those corps, and the posts they usually occupy.

ART. 26. And in like manner also, if any regiments, troops, or detach-

ments of horse or foot, shall happen to march with, or be encamped or quartered with any bodies or detachments of other troops in the service of the United States, the eldest officer, without respect to corps, shall take upon him the command of the whole, and give the necessary orders to the service.

SECTION XIV.[1]

ART. 1. A general court-martial in the United States shall not consist of less than thirteen commissioned officers, and the president of such court-martial shall not be the commander-in-chief or commandant of the garrison where the offender shall be tried, nor be under the degree of a field-officer.

ART. 2. The members both of general and regimental courts-martial shall, when belonging to different corps, take the same rank which they hold in the army; but when courts-martial shall be composed of officers of one corps, they shall take their ranks according to the dates of the commissions, by which they are mustered in the said corps.

ART. 3. The judge-advocate general, or some person deputed by him, shall prosecute in the name of the United States of America; and in trials of offenders by general courts-martial, administer to each member the following oaths:

"You shall well and truly try and determine, according to your evidence, the matter now before you, between the United States of America, and the prisoners to be tried. So help you God."

"You A. B. do swear, that you will duly administer justice, according to the rules and articles for the better government of the forces of the United States of America, without partiality, favor or affection; and if any doubt shall arise, which is not explained by the said articles, according to your conscience, the best of your understanding, and the customs of war in like cases. And you do further swear, that you will not divulge the sentence of the court, until it shall be approved of by the general, or commander-in-chief; neither will you, upon any account, at any time whatever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice, in a due course of law. So help you God."

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following words:

"You A. B. do swear, that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

ART. 4. All the members of a court-martial are to behave with calmness and decency; and in the giving of their votes, are to begin with the youngest in commission.

ART. 5. All persons who give evidence before a general court-martial, are to be examined upon oath; and no sentence of death shall be given against any offender by any general court-martial, unless two-thirds of the officers present shall concur therein.

ART. 6. All persons called to give evidence, in any cause, before a court-martial, who shall refuse to give evidence, shall be punished for such

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[1] This section, and such articles as relate to the holding of courts-martial and confirmation of sentences, were repealed and supplied by resolutions of the 31st of May, 1786.

refusal, at the discretion of such court-martial: The oath to be administered in the following form, viz.:

"You swear the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

ART. 7. No field officer shall be tried by any person under the degree of a captain; nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning and of three in the afternoon, except in cases which require an immediate example.

ART. 8. No sentence of a general court-martial shall be put in execution, till after a report shall be made of the whole proceedings to Congress, or to the general or commander-in-chief of the forces of the United States, and their or his direction be signified thereupon.[1]

ART. 9. For the more equitable decision of disputes which may arise between officers and soldiers belonging to different corps, it is hereby directed, that the courts-martial shall be equally composed of officers belonging to the corps in which the parties in question do then serve; and that the presidents shall be taken by turns, beginning with that corps which shall be eldest in rank.

ART. 10. The commissioned officers of every regiment may, by the appointment of their colonel or commanding officer, hold regimental courts-martial for the inquiring into such disputes, or criminal matters, as may come before them, and for the inflicting corporeal punishments for small offences, and shall give judgment by the majority of voices; but no sentence shall be executed till the commanding officer (not being a mem ber of the court-martial) or the commandant of the garrison, shall have confirmed the same.

ART. 11. No regimental court-martial shall consist of less than five officers, excepting in cases where that number cannot conveniently be assembled, when three may be sufficient; who are likewise to determine upon the sentence by the majority of voices; which sentence is to be confirmed by the commanding officer of the regiment, not being a member of the court-martial.

ART. 12. Every officer commanding in any of the forts, barracks, or elsewhere, where the corps under his command consists of detachments from different regiments, or of independent companies, may assemble courts-martial for the trial of offenders in the same manner as if they were regimental, whose sentence is not to be executed until it shall be confirmed by the said commanding officer.

ART. 13. No commissioned officer shall be cashiered or dismissed from the service, excepting by an order from the Congress, or by the sentence of a general court-martial; but non-commissioned officers may be discharged as private soldiers, and, by the order of the colonel of the regiment, or by the sentence of a regimental court-martial, be reduced to private sentinels.

ART. 14. No person whatever shall use menacing words, signs, or gestures, in the presence of a court-martial then sitting, or shall cause any disorder or riot, so as to disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

ART. 15. To the end that offenders may be brought to justice, it is hereby directed, that whenever any officer or soldier shall commit a crime deserving punishment, he shall, by his commanding officer, if an officer, be put in arrest; if a non-commissioned officer or soldier, be imprisoned till he

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[1] Repealed and supplied by resolution of 14th April, 1777.

shall be either tried by a court-martial, or shall be lawfully discharged by a proper authority.

ART. 16. No officer or soldier who shall be put in arrest or imprisonment, shall continue in his confinement more than eight days, or till such time as a court-martial can be conveniently assembled.

ART. 17. No officer commanding a guard, or provost-marshal, shall refuse to receive or keep any prisoner committed to his charge, by any officer belonging to the forces of the United States; which officer shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

ART. 18. No officer commanding a guard, or provost-martial, shall presume to release any prisoner committed to his charge without proper authority for so doing; nor shall he suffer any prisoner to escape, on the penalty of being punished for it by the sentence of a court-marshal.

ART. 19. Every officer or provost-marshal to whose charge prisoners shall be committed, is hereby required, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, to give in writing to the colonel of the regiment to whom the prisoner belongs, (where the prisoner is confined upon the guard belonging to the said regiment, and that his offence only relates to the neglect of duty in his own corps,) or to the commander-in-chief, their names, their crimes, and the names of the officers who committed them, on the penalty of his being punished for his disobedience or neglect, at the discretion of a court-martial.

ART. 20. And if any officer under arrest, shall leave his confinement before he is set at liberty by the officer who confined him, or by a superior power, he shall be cashiered for it.

ART. 21. Whatsoever commissioned officer shall be convicted, before a general court-martial, of behaving in a scandalous, infamous manner, such as is unbecoming the character of an officer and a gentleman, shall be discharged from the service.

ART. 22. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the punishment, that the crime, name, place of abode, and punishment of the delinquent, be published in the newspapers in and about the camp, and of that particular state from which the offender came, or usually resides: After which, it shall be deemed scandalous for any officer to associate with him.

SECTION XV.

ART. 1. When any commissioned officer shall happen to die, or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, shall immediately secure all his effects, or equipage, then in camp or quarters; and shall, before the next regimental court-martial, make an inventory thereof, and forthwith transmit the same to the office of the board of war, to the end, that his executors may, after payment of his debts in quarters and interment, receive the overplus, if any be, to his or their use.

ART. 2. When any non-commissioned officer or soldier shall happen to die, or be killed in the service of the United States, the then commanding officer of the troop or company, shall, in the presence of two other commissioned officers, take an account of whatever effects he dies possessed of, above his regimental clothing, arms and accoutrements, and transmit the same to the office of the board at war; which said effects are to be accounted for, and paid to the representative of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized

to take care of the effects of dead officers and soldiers, should, before they shall have accounted to their representatives for the same, have occasion to leave the regiment, by preferment or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the agent of the regiment, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

SECTION XVI.

ART. 1. All officers, conductors, gunners, matrosses, drivers, or any other persons whatsoever, receiving pay or hire in the service of the artillery of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

ART. 2. For differences arising amongst themselves, or in matters relating solely to their own corps, the courts-martial may be composed of their own officers; but where a number sufficient of such officers cannot be assembled, or in matters wherein other corps are interested, the officers of artillery shall sit in courts-martial with the officers of the other corps, taking their rank according to the dates of their respective commissions, and no otherwise.

SECTION XVII.

ART. 1. The officers and soldiers of any troops, whether minute-men, militia, or others, being mustered and in continental pay, shall, at all times, and in all places, when joined or acting in conjunction with the regular forces of the United States, be governed by these rules or articles of war, and shall be subject to be tried by courts-martial in like manner with the officers and soldiers in the regular forces, save only that such courts-martial shall be composed entirely of militia officers of the same provincial corps with the offender.

That such militia and minute-men as are now in service, and have, by particular contract with their respective states, engaged to be governed by particular regulations while in continental service, shall not be subject to the above articles of war.

ART. 2. For the future, all general officers and colonels, serving by commissions from the authority of any particular state, shall, on all detachments, courts-martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank next after all generals and colonels serving by commissions from Congress, though the commissions of such particular generals and colonels should be of elder date; and in like manner lieutenant-colonels, majors, captains, and other inferior officers, serving by commission from any particular state, shall, on all detachments, courts-martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, have rank next after all officers of the like rank serving by commission from Congress, though the commissions of such lieutenant-colonels, majors, captains, and other inferior officers, should be of elder date to those of the like rank from Congress.

SECTION XVIII.

ART. 1. The foregoing articles are to be read and published once in every two months, at the head of every regiment, troop, or company, mustered,

or to be mustered in the service of the United States; and are to be duly observed and exactly obeyed by all officers and soldiers who are or shall be in the said service.

ART. 2. The general, or commander-in-chief for the time being, shall have full power of pardoning or mitigating any of the punishments ordered to be inflicted, for any of the offences mentioned in the foregoing articles; and every offender convicted as aforesaid, by any regimental court-martial, may be pardoned, or have his punishment mitigated by the colonel, or officer commanding the regiment.[1]

ART. 3. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the foregoing articles; nor shall more than one hundred lashes be inflicted on any offender, at the discretion of a court-martial.

That every judge-advocate, or person officiating as such, at any general court-martial, do, and he is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial to the secretary at war, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

That the party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof made by himself, or by any other person or persons, on his behalf, whether such sentence be approved or not.

ART. 4. The field officers of each and every regiment, are to appoint some suitable person belonging to such regiment, to receive all such fines as may arise within the same, for any breach of any of the foregoing articles, and shall direct the same to be carefully and properly applied to the relief of such sick, wounded or necessitous soldiers as belong to such regiments; and such person shall account with such officer for all fines received, and the application thereof.

ART. 5. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the above articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

IN CONGRESS—*April* 14, 1777.

Resolved, That from and after the publication hereof, the 2d article of the 8th section, the 1st article of the 11th section, the 8th article of the 14th section, and the 2d article of the 18th section, of the rules and articles for the better government of the troops raised, or to be raised, and kept in pay by, and at the expense of the United States of America, passed in Congress the 20th day of September, 1776, shall be, and they are hereby, repealed; and that the four following articles, be substituted in the place and stead thereof.

ART. 1. All officers and soldiers shall have full liberty to bring into any of the forts or garrisons of the United States of America, any quantity of eatable provisions, except where any contracts are, or shall be, entered into

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[1] Repealed and supplied by resolution of 14th April, 1777.

by Congress, or by their orders, for furnishing such provisions, and with respect only to the species of provisions so contracted for.

ART. 2. If any officer shall think himself to be wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the continental general commanding in the state where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to Congress, a true state of such complaint, with the proceedings had thereon.

ART. 3. No sentence of a general court-martial shall be put in execution, till after report shall be made of the whole proceedings to Congress, the commander-in-chief, or the continental general commanding in the state, where such a general court-martial shall be held, and their or his orders be issued for carrying such sentence into execution.[1]

ART. 4. The continental general, commanding in either of the American states, for the time being, shall have full power of appointing general courts-martial to be held, and of pardoning or mitigating any of the punishments ordered to be inflicted for any of the offences mentioned in the aforementioned rules and articles for the better government of the troops; except the punishment of offenders, under sentence of death, by a general court-martial, which he may order to be suspended until the pleasure of Congress can be known, which suspension, with the proceedings of the court-martial, the said general shall immediately transmit to Congress for their determination. And every offender, convicted by any regimental court-martial, may be pardoned, or have his punishment mitigated by the colonel, or officer commanding the regiment.[2]

IN CONGRESS—*May* 27, 1777.

Resolved, That the general, or commander-in-chief, for the time being, shall have full power of pardoning or mitigating any of the punishments ordered to be inflicted for any of the offences mentioned in the rules and articles, for the better government of the troops raised, or to be raised and kept in pay by, and at the expense of, the United States of America; the fourth article resolved in Congress the 14th day of April last, notwithstanding.

IN CONGRESS—*June* 14, 1777.

Resolved, That the flag of the thirteen United States, be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation.[2]

IN CONGRESS—*June* 18, 1777.

Resolved, That a general officer commanding a separate department, be empowered to grant pardons to, or order execution of, persons condemned to suffer death by general courts-martial, without being obliged to report the matter to Congress or the commander-in-chief.

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[1] Modified by resolutions of 27th May, and 18th June, 1777.

[2] Altered by act of 13th January, 1794, and established 4th April, 1818, chap. 34.

IN CONGRESS—*April* 12, 1785.

Resolved, That the non-commissioned officers and privates to be raised by the resolution of the seventh day of the present month, April, be furnished by the states hereinafter mentioned, in the following proportions:

Connecticut	165
New York	165
New Jersey	110
Pennsylvania	260
	700

That the following commissioned officers be furnished by the said states, for the said troops, in the following proportions:

One lieutenant-colonel from Pennsylvania.

Two majors, one from Connecticut, and one from New York, each to command a company.

Eight captains, ten lieutenants, one to act as adjutant, one as quartermaster, and one as paymaster. Ten ensigns, one surgeon and four mates, to be furnished by the said states in proportion to the number of privates which they respectively furnish.

That the pay of the lieutenant-colonel be fifty dollars per month; that of the major, forty-five; captain, thirty-five; lieutenant, twenty-six; ensign, twenty; sergeant, six; corporal, five; drum, five; fife, five; private, four; surgeon, forty-five; mate, thirty.

That the lieutenants acting as adjutant, quartermaster and paymaster, shall receive, in consideration of the said extra duty, each ten dollars per month.

That each officer and soldier shall receive one month's pay after they are embodied, before their march.[1]

That the secretary of war be directed to form the said troops when raised into one regiment, consisting of eight companies of infantry, and two of artillery, to appoint their places of rendezvous, direct their subsequent operations, and make all other inferior necessary arrangements not herein particularly mentioned, subject to the order of Congress, and of the committee of the states in the recess of Congress; and that the commissioners of the treasury be instructed to furnish on his warrant, the sums necessary for carrying the same into effect.

That the said troops when embodied, on their march, on duty, or in garrison, shall be subject to all the rules and regulations formed for the government of the late army, or such other rules as Congress or a committee of the states may form.

That the secretary at war ascertain the necessary clothing and rations proper for the troops, and report the same to Congress.

That the commissioners of the treasury contract for the supply of rations at such places and in such quantities as the secretary at war shall judge necessary.

IN CONGRESS—*May* 31, 1786.

WHEREAS crimes may be committed by officers and soldiers, serving with small detachments of the forces of the United States, and where there may

[1] The provisions of this resolution in regard to pay were adopted by a resolution of the 3d October, 1787, and again by an act of Congress of 29th September, 1789. Repealed and supplied by act of 30th April, 1790.

not be a sufficient number of officers to hold a general court-martial, according to the rules and articles of war, in consequence of which criminals may escape punishment, to the great injury of the discipline of the troops and the public service.

Resolved, That the 14th section of the rules and articles for the better government of the troops of the United States, and such other articles as relate to the holding of courts-martial, and the confirmation of the sentences thereof, be, and they are hereby repealed.

Resolved, That the following rules and articles for the administration of justice, and the holding of courts-martial, and the confirmation of the sentences thereof, be duly observed, and exactly obeyed by all officers and soldiers, who are, or shall be in the armies of the United States.

ADMINISTRATION OF JUSTICE.

ART. 1. General courts-martial may consist of any number of commissioned officers from five to thirteen inclusively; but they shall not consist of less than thirteen, where that number can be convened without manifest injury to the service.

ART. 2. General courts-martial shall be ordered, as often as the cases may require, by the general or officer commanding the troops. But no sentence of a court-martial shall be carried into execution until after the whole proceedings shall have been laid before the said general or officer commanding the troops for the time being; neither shall any sentence of a general court-martial in time of peace, extending to the loss of life, the dismission of a commissioned officer, or which shall either in time of peace or war respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the secretary at war, to be laid before Congress for their confirmation, or disapproval, and their orders on the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

ART. 3. Every officer commanding a regiment or corps, may appoint of his own regiment or corps, courts-martial, to consist of three commissioned officers, for the trial of offences, not capital, and the inflicting corporeal punishment, and decide upon their sentences. For the same purpose, all officers, commanding any of the garrisons, forts, barracks, or other place where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences.

ART. 4. No garrison or regimental court-martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier, for a longer time than one month.

ART. 5. The members of all courts-martial shall, when belonging to different corps, take the same rank in court which they hold in the army. But when courts-martial shall be composed of officers of one corps, they shall take rank according to the commissions by which they are mustered in the said corps.

ART. 6. The judge-advocate, or some person deputed by him, or by the general or officer commanding the army, detachment or garrison, shall prosecute in the name of the United States of America; but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to each member the following oaths,

which shall also be taken by all members of regimental and garrison courts-martial.

"You shall well and truly try and determine, according to evidence, the matter now before you, between the United States of America, and the prisoner to be tried, So help you God."

"You, A. B., do swear, that you will duly administer justice, according to the rules and articles for the better government of the forces of the United States of America, without partiality, favor or affection; and if any doubt shall arise, which is not explained by said articles, according to your conscience, the best of your understanding, and the custom of war, in the like cases. And you do further swear, that you will not divulge the sentence of the court, until it shall be published by the commanding officer. Neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

As soon as the said oaths shall have been administered to the respective members, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following words:

"You, A. B., do swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. So help you God."

ART. 7. All the members of a court-martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

ART. 8. All persons who give evidence before a court-martial, are to be examined on oath, or affirmation, as the case may be, and no sentence of death shall be given against any offender by any general court-martial, unless two-thirds of the members of the court shall concur therein.

ART. 9. Whenever an oath or affirmation shall be administered by a court-martial, the oath or affirmation shall be in the following form:

"You swear (or affirm, as the case may be) the evidence you shall give in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

ART. 10. On the trials of cases not capital, before courts-martial, the depositions of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence, provided the prosecutor and person accused are present at the taking the same.

ART. 11. No officer shall be tried but by a general court-martial, nor by officers of an inferior rank if it can be avoided. Nor shall any proceedings or trials be carried on, excepting between the hours of eight in the morning and three in the afternoon, except in cases which, in the opinion of the officer appointing the court require immediate example.

ART. 12. No person whatsoever shall use menacing words, signs, or gestures in the presence of a court-martial, or shall cause any disorder or riot to disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

ART. 13. No commissioned officer shall be cashiered, or dismissed from the service, excepting by order of Congress, or by the sentence of a general court-martial; and no non-commissioned officer or soldier shall be discharged the service, but by the order of Congress, the secretary at war, the commander-in-chief, or commanding officer of a department, or by the sentence of a general court-martial.

ART. 14. Whenever any officer shall be charged with a crime, he shall be

arrested and confined to his barracks, quarters or tent, and deprived of his sword by his commanding officer. And any officer, who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior power, shall be cashiered for it.

ART. 15. Non-commissioned officers and soldiers, who shall be charged with crimes, shall be imprisoned, until they shall be tried by a court-martial, or released by proper authority.

ART. 16. No officer or soldier, who shall be put in arrest or imprisonment, shall continue in his confinement more than eight days, or until such time as a court-martial can be assembled.

ART. 17. No officer commanding a guard, or provost-marshal, shall refuse to receive or keep any prisoner committed to his charge by any officer belonging to the forces of the United States, provided the officer committing shall, at the same time, deliver an account in writing signed by himself, of the crime with which the said prisoner is charged.

ART. 18. No officer commanding a guard, or provost-marshal, shall presume to release any person committed to his charge, without proper authority for so doing; nor shall he suffer any person to escape on penalty of being punished for it by the sentence of a court-martial.

ART. 19. Every officer, or provost-marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commander-in-chief, or commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of his being punished for disobedience or neglect at the discretion of a court-martial.

ART. 20. Whatever commissioned officer shall be convicted before a general court-martial, of behaving in a scandalous and infamous manner, such as is unbecoming an officer and a gentleman, shall be dismissed the service.

ART. 21. In cases where a court-martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

ART. 22. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, place of abode, and punishment of the delinquent be published in the newspapers, in and about the camp, and of the particular state from which the offender came, or usually resides; after which it shall be deemed scandalous for any officer to associate with him.

ART. 23. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court-martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with the necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 24. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the aforegoing articles; nor shall more than one hundred lashes be inflicted on any offender at the discretion of a court-martial.

Every judge-advocate, or person officiating as such, at any general court-martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial, to the secretary at war, which said original proceedings

and sentence, shall be carefully kept and preserved in the office of the said secretary, to the end, that persons entitled thereto, may be enabled, upon application to the said office, to obtain copies thereof.

The party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial after a decision on the sentence, upon demand thereof made by himself, or by any person or persons in his behalf, whether such sentence be approved or not.

ART. 25. In such cases, where the general, or commanding officer may think proper to order a court of inquiry, to examine into the nature of any transaction, accusation, or imputation, against any officer or soldier, the said court shall be conducted conformably to the following regulations: It may consist of one or more officers, not exceeding three, with the judge-advocate, or a suitable person, as a recorder, to reduce the proceedings and evidences to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court-martial, and to examine them on oath: but they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in question.

ART. 26. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer; and the said proceedings may be admitted as evidence, by a court-martial, in cases not capital or extending to the dismission of an officer; provided, that the circumstances are such that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless demanded by the accused.

ART. 27. The judge-advocate, or the recorder, shall administer to the members the following oath:

"You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without favor or affection. So help you God."

After which the president shall administer to the judge-advocate, or recorder, the following oath:

"You A. B. do swear, that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidences to be given in the case in hearing. So help you God."

The witnesses shall take the same oath as is directed to be administered to witnesses sworn before a court-martial.

Resolved, That when any desertion shall happen from the troops of the United States, the officer commanding the regiment or corps to which the deserters belonged, shall be responsible, that an immediate report of the same shall be made to the commanding officer of the forces of the United States present.

Resolved, That the commanding officer of any of the forces in the service of the United States, shall, upon report made to him of any desertions in the troops under his orders, cause the most immediate and vigorous search to be made after the deserter or deserters, which may be conducted by a commissioned or non-commissioned officer, as the case shall require. That, if such search should prove ineffectual, the officer commanding the regiment or corps to which the deserter or deserters belonged, shall insert, in the nearest gazette or newspaper, an advertisement, descriptive of the deserter or deserters, and offering a reward, not exceeding ten dollars, for

each deserter who shall be apprehended and secured in any of the gaols of the neighboring states. That the charges of advertising deserters, the reasonable extra expenses incurred by the person conducting the pursuit, and the reward, shall be paid by the secretary at war, on the certificate of the commanding officer of the troops.

IN CONGRESS—*October* 3, 1787.

Whereas the time for which the greater part of the troops on the frontiers are engaged, will expire in the course of the ensuing year,

Resolved, That the interests of the United States require that a corps of seven hundred troops should be stationed on the frontiers to protect the settlers on the public lands from the depredations of the Indians; to facilitate the surveying and selling of the said lands, in order to reduce the public debt, and to prevent all unwarrantable intrusions thereon.

Resolved, That in order to save the great expense of transporting new levies to the distant frontiers of the United States, and also to avail the public of the discipline and knowledge of the country, acquired by the troops on the frontiers, it is highly expedient to retain as many of them as shall voluntarily re-engage in the service.

[1] *Resolved*, That seven hundred non-commissioned officers and privates be raised for the term of three years, unless sooner discharged, and that the same be furnished in the proportions herein specified, by the states which raised the troops agreeably to the requisitions of Congress, of April, 1785.[2]

Connecticut.....165	New York.....165
New Jersey.. 110	Pennsylvania.....260

That the commissioned officers for the said troops be furnished by the said states, agreeably to the present proportions.

That the organization of the said troops, together with the two companies of artillery raised by virtue of the resolves of Congress of the 20th of October, 1786, be according to the present establishment, to wit: one regiment of infantry of eight companies, each company four sergeants, four corporals, two musicians, and sixty privates; and one battalion of artillery, of four companies, each company four sergeants, four corporals, two musicians, and sixty privates.

That the secretary at war make the necessary arrangements, from time to time, to replace the men on the frontiers whose engagements shall expire.

That the said troops shall be governed by such rules and articles of war as are or shall be established by Congress, or a committee of the states.

That the pay and allowances of the said troops be the same as directed by the resolve of Congress of April 12, 1785.[2]

[1] This establishment recognized by Congress, chap. 25, 29 Sept., 1789, *post*.
[2] See 12 April, 1785, *ante*.

MILITARY LAWS

OF THE

UNITED STATES.

Chapter 7.—Approved, August 7, 1789.—Vol. 1, p. 49.

An Act to establish an Executive Department to be denominated the Department of War.[1]

1. Department of War established—Secretary thereof—his duties to include naval and military affairs—Secretary subject to the President's instructions. 2. Chief Clerk of the Department of War—his duties. 3. Oath of office of Secretary of War and his clerks.

That there shall be an Executive Department to be denominated the Department of War; and that there shall be a prin-

[1] *An Ordinance for ascertaining the powers and duties of the Secretary of War.*

In Congress, 27 January, 1785. That the powers and duty of the Secretary of War shall be as follows, to wit: To examine into the present state of the troops, ordnance, arms, ammunition, clothing and supplies of the troops of these States, and report the same to Congress: to keep exact and regular returns of all the forces of these States, and of all the military stores, equipments and supplies in the magazines of the United States, or in other places for their use, and to receive into his care, from the officers in whose possession they may be, all such as may be requisite for the military service; and for keeping up competent magazines, and to report the same to the Commissioners of the Treasury of the United States, that measures may be taken in due time for procuring the same; to prepare estimates for paying and recruiting the troops of these United States; to carry into effect all ordinances and resolves of Congress for raising and equipping troops for the service of the United States, and for inspecting the said troops; and to direct the arrangement, destination and operation of such troops as are or may be in service, subject to the orders of Congress or of the Committee of the States in the recess of Congress; to make out, seal and countersign the commissions of all such military officers as shall be employed in the service of the United States; to take order for the transportation, safe keeping and distributing the necessary supplies for such troops and garrisons as may be kept up by the United States. He shall appoint and remove at pleasure all persons employed under him, and shall be responsible for their conduct in office; all which appointments shall be immediately certified to Congress, and such certificate, or the substance thereof, registered in a book to be kept for that purpose in the office of the Secretary of Congress. He shall keep a public and convenient office in the place where Congress shall reside. He shall, at least once a year, visit all the magazines and deposits of public stores, and report the state of them with proper arrangements to Congress, and shall twice a year, or oftener if thereto required, settle the accounts of his department. That as well the Secretary of War as his assistants or clerks, before they shall

cipal officer[1] therein, to be called the Secretary for the Department of War, who shall perform and execute such duties as shall, from time to time, be enjoined on, or entrusted to him, by the President of the United States, agreeable to the constitution, relative to military commissions, or to the land or naval forces,[2] ships or warlike stores, of the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States,[3] or relative to Indian affairs: and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall, from time to time, order or instruct.[4]

Sec. 2. That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the department of war, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books and papers, appertaining to the said department.

Sec. 3. That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office, or employment, take an oath or affirmation *well and faithfully to execute the trust committed to him.*

Sec. 4. That the Secretary for the department of war, to be appointed in consequence of this act, shall, forthwith after his appointment, be entitled to have the custody and charge of all records, books and papers, in the office of secretary for the department of war, heretofore established by the United States in Congress assembled.

[*Approved, August* 7, 1789.]

enter on the duties of their office, shall respectively take and subscribe an oath or affirmation of fidelity to the United States, and for the faithful execution of the trust reposed in them; and which oaths or affirmations shall be administered by the Secretary of Congress, and a certificate thereof filed in his office.

[1] The Secretary of War, as the legitimate organ of the President, under a general authority from him, may exercise the power, and make the allowance to officers having a separate command. Parker *vs.* U. S. 1 Peters, 296.

[2] Conferred on Secretary of Navy, 30 April, 1798, chap. 35.

[3] Now transferred to Interior Department.

[4] An Assistant Secretary of War to be appointed, by sec. 1, chap. 42, August 3, 1861, and two more for one year, by chap. 9, January 22, 1862.

Chapter 25.—Approved, September 29, 1789.—Vol. 1, p. 95.

An Act to recognize and adapt to the constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled and for other purposes.[1]

That the establishment contained in the resolve of the late Congress, of the 3d of October, 1787,[2] except as to the mode of appointing the officers, and also as is hereinafter provided, be, and the same is hereby recognized to be the establishment for the troops in the service of the United States.

Sec. 2. That the pay and allowances of the said troops, be the same as have been established by the United States in Congress assembled, by their resolution of the 12th of April, 1785.[3]

Sec. 3. That all commissioned and non-commissioned officers, and privates, who are, or shall be, in the service of the United States, shall take the following oaths or affirmations, to wit: "I, A. B., do solemnly swear or affirm (as the case may be) that I will support the constitution of the United States." "I, A. B., do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against all their enemies or opposers whatsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me."

Sec. 4. That the said troops shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, or by such rules and articles of war as may hereafter by law be established.

Sec. 5. That, for the purpose of protecting the inhabitants of the frontiers of the United States from the hostile incursions of the Indians, the President is hereby authorized to call into service, from time to time, such part of the militia of the states, respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence, while in service, be the same as the pay and subsistence of the troops above mentioned.

Sec. 6. That this act shall continue, and be in force, until the end of the next session of Congress, and no longer.

Chapter 10.—Approved, April 30, 1790.—Vol. 1, p. 119.

An Act for regulating the Military Establishment of the United States.[4]

That the commissioned officers hereinafter mentioned, and the number of one thousand two hundred and sixteen non-commissioned officers, privates, and musicians, shall be raised for the service of the United States, for the period of three years, unless they should previously by law be discharged.

Sec. 2. That the non-commissioned officers and privates aforesaid, shall,

[1] Repealed by chap. 10, sec. 14, 30 April, 1790. [2] *Ante.* [3] *Ante.*
[4] Repealed and supplied by the act of 3 March, 1795, chap. 44, which recognized and continued the then existing establishment.

at the time of their enlistments, respectively, be able-bodied men, not under five feet six inches in height, without shoes; nor under the age of eighteen, nor above the age of forty-six years.

Sec. 3. That the commissioned officers hereinafter mentioned, and the said non-commissioned officers, privates, and musicians, shall be formed into one regiment of infantry, to consist of three battalions, and one battalion of artillery. The regiment of infantry to be composed of one lieutenant-colonel commandant, three majors, three adjutants, three quartermasters, one paymaster, one surgeon, two surgeon's mates, and twelve companies, each of which shall consist of one captain, one lieutenant, one ensign, four sergeants, four corporals, sixty-six privates, and two musicians. The battalion of artillery shall be composed of one major commandant, one adjutant, one quartermaster, one paymaster, one surgeon's mate, and four companies; each of which shall consist of one captain, two lieutenants, four sergeants, four corporals, sixty-six privates, and two musicians: *Provided always*, That the adjutants, quartermasters, and paymasters, shall be appointed from the line, of subalterns of the aforesaid corps, respectively.

Sec. 4. That the President of the United States may, from time to time, appoint one or two inspectors, as to him shall seem meet, to inspect the said troops, who shall also muster the same, and each of whom shall receive the like pay and subsistence as a captain, and be allowed $10 per month for forage.

Sec. 5. That the troops aforesaid shall receive for their services the following enumerated monthly rates of pay: Lieutenant-colonel commandant, $60; major commandant of artillery, $45; majors, $40; captains, $30; lieutenants, $22; ensigns, $18; surgeons, $30; surgeon's mates, $24; sergeants, $5; corporals, $4; privates, $3; senior musicians in each battalion of infantry, and in the battalion of artillery, $5; musicians, $3: *Provided always*, That the sums hereinafter specified, shall be deducted from the pay of the non-commissioned officers, privates, and musicians, stipulated as aforesaid, for the purposes of forming a fund for clothing and hospital stores: From the monthly pay of each sergeant and senior musician, there shall be deducted, for uniform clothing, the sum of $1.40, and the further sum of 10 cents for hospital stores; and from the monthly pay of each corporal, for uniform clothing, $1.15, and the further sum of 10 cents for hospital stores; and from the monthly pay of each private and musician, for uniform clothing, the sum of 90 cents, and the further sum of 10 cents for hospital stores.

Sec. 6. That the subalterns who may be appointed to act as adjutants, shall each receive for the same, in addition to their regimental pay, $10 per month; and quarter and pay masters, so appointed, each $5 per month.

Sec. 7. That the commissioned officers aforesaid shall receive, for their daily subsistence, the following number of rations of provisions, to wit: Lieutenant-colonel commandant, six; a major, four; a captain, three; a lieutenant, two; an ensign, two; a surgeon, three; a surgeon's mate, two; or money in lieu thereof, at the option of the said officers, at the contract price at the posts, respectively, where the rations shall become due.

Sec. 8. That the commissioned officers hereinafter described, shall receive, monthly, the following enumerated sums, instead of forage: Lieutenant-colonels commandant, $12; major commandant of artillery, majors, and surgeons, each, $10; surgeon's mates, each, $6.

Sec. 9. That every non-commissioned officer, private, and musician, aforesaid, shall receive, annually, the following articles of uniform clothing:

One hat, or helmet, one coat, one vest, two pair of woollen and linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles.

SEC. 10. That every non-commissioned officer, private, and musician, aforesaid, shall receive, daily, the following rations of provisions, or the value thereof: One pound of beef, or three-quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy, or whiskey, or the value thereof, at the contract price where the same shall become due, and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

SEC. 11. That if any commissioned officer, non-commissioned officer, private, or musician, aforesaid, shall be wounded or disabled, while in the line of his duty in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay and under such regulations as shall be directed by the President of the United States, for the time being: *Provided always*, That the rate of compensation for such wounds or disabilities shall never exceed, for the highest disability, half the monthly pay received by any commissioned officer, at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed $5 per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled to receive only a sum in proportion to the highest disability.

SEC. 12. That every commissioned officer, non-commissioned officer, private, and musician, aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against all their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me, according to the articles of war."

SEC. 13. That the commissioned officers, non-commissioned officers, privates, and musicians, aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, as far as the same may be applicable to the constitution of the United States,[1] or by such rules and articles as may hereafter by law be established.

SEC. 14. That the "act for recognizing, and adapting to the constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned,"[2] passed the 29th September, 1789, be, and the same is hereby, repealed: *Provided, always*, That the non-commissioned officers and privates, continued and engaged under the aforesaid act of the 29th September, 1789, and who shall decline to re-enlist under the establishment made by this act, shall be discharged whenever the President of the United States shall direct the same: *Provided further*, That the whole number of non-commissioned officers, privates, and musicians, in the service of the United States at any one time, either by virtue of this act, or by virtue of the aforesaid act, passed the 29th September, 1789, shall not exceed the number of one thousand two hundred and sixteen.

SEC. 15. That for the purpose of aiding the troops now in service, or to be raised by this act, in protecting the inhabitants of the frontiers of the United States, the President is hereby authorized to call into service, from time to time, such part of the militia of the states, respectively, as he may

[1] See Rules and Articles of War. [2] Chapter 25, *ante*.

judge necessary for the purpose aforesaid; and that their pay and subsistence, while in service, be the same as the pay and subsistence of the troops above mentioned, and they shall be subject to the rules and articles of war.

[*Approved, April* 30, 1790.]

CHAPTER 28.—Approved, 3d March, 1791, Vol. 1, p. 222.

An Act for raising and adding another regiment to the military establishment of the United States, and for making farther provision for the protection of the frontiers.[1]

That there shall be raised an additional regiment of infantry, which, exclusive of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians.

SEC. 2. That the said regiment shall be organized in the same manner as the regiment of infantry described in the act, entitled "An act for regulating the military establishment of the United States."[2]

SEC. 3. That the troops aforesaid, by this act to be raised, including the officers, shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term, and upon the same conditions, in all respects, excepting the bounty hereinafter mentioned, as are stipulated for the troops of the United States, in the before-mentioned act.

SEC. 4. That each non-commissioned officer, private, and musician, who has enlisted, or shall enlist, pursuant to the act aforesaid, or who shall enlist pursuant to this act, shall be entitled to receive $6 as a bounty.

SEC. 5. That in case the President of the United States should deem the employment of a major-general, brigadier-general, a quartermaster, and chaplain, or either of them, essential to the public interest, that he be, and he hereby is, empowered, by and with the advice and consent of the Senate, to appoint the same accordingly. And a major-general so appointed, may choose his aid-de-camp, and a brigadier-general his brigade-major, from the captains, or subalterns, of the line: *Provided always*, That the major-general and brigadier-general, so to be appointed, shall, respectively, continue in pay during such term only, as the President of the United States, in his discretion, shall deem it requisite for the public service.

SEC. 6. That in case a major-general, brigadier-general, quartermaster, aid-de-camp, brigade-major, and chaplain, should be appointed, their pay and allowances shall be, respectively, as herein mentioned: the major-general shall be entitled to $125, monthly pay, $20 allowance for forage, monthly, and for daily subsistence fifteen rations, or money in lieu thereof, at the contract price. The brigadier-general shall be entitled to $94, monthly pay, with $16 allowance for forage, monthly, and for daily subsistence twelve rations, or money in lieu thereof, at the contract price. That the quartermaster shall be entitled to the same pay, rations, and forage, as the lieutenant-colonel commandant of a regiment. That the aid-de-camp be entitled, including all allowances, to the same pay, rations, and forage, as a

[1] Repealed and supplied by act of 3 March, 1795, chap. 44.
[2] Chap. 10, sec. 3, *ante*.

major of a regiment. That the brigade-major be entitled, including all allowances, to the same pay, rations, and forage, as a major of a regiment. That the chaplain be entitled to $50 per month, including pay, rations, and forage.

SEC. 7. That if, in the opinion of the President, it shall be conducive to the good of the service, to engage a body of militia to serve as cavalry, they furnishing their own horses, arms, and provisions, it shall be lawful for him to offer such allowances, to encourage their engaging in the service, for such time, and on such terms, as he shall deem it expedient to prescribe.

SEC. 8. That if the President should be of opinion that it will be conducive to the public service, to employ troops enlisted under the denomination of levies, in addition to, or in place of, the militia which, in virtue of the powers vested in him by law, he is authorized to call into the service of the United States, it shall be lawful for him to raise, for a term not exceeding six months, (to be discharged sooner, if the public service will permit,) a corps, not exceeding two thousand non-commissioned officers, privates, and musicians, with a suitable number of commissioned officers. And in case it shall appear probable to the President, that the regiment directed to be raised by the aforesaid act, and by this act, will not be completed in time to prosecute such military operations as exigencies may require, it shall be lawful for the President to make a substitute for the deficiency, by raising such farther number of levies, or by calling into the service of the United States, such a body of militia as shall be equal thereto.

SEC. 9. That the President be, and he hereby is, empowered to organize the said levies, and alone to appoint the commissioned officers thereof, in the manner he may judge proper.

SEC. 10. That the commissioned and non-commissioned officers, privates, and musicians, of the militia, or said corps of levies, shall, during the time of their service, be subject to the rules and articles of war; and they shall be entitled to the same pay, rations, and forage, and in case of wounds or disability in the line of their duty, to the same compensation as the troops of the United States.

SEC. 11. That the non-commissioned officers, privates, and musicians, of the said corps of levies, shall be entitled to receive such proportional quantity of clothing, as their time of service shall bear to the annual allowance of clothing to the troops of the United States, subject, however, to a proportional deduction from their pay..

SEC. 12. That each of the non-commissioned officers, privates, and musicians, of the said levies, shall be entitled to receive three dollars as a bounty.

SEC. 13. That in case the nature of the service, upon which the troops of the United States may be employed, should require a greater number of surgeon's mates, than are provided for in the before-mentioned act, the President of the United States may engage, from time to time, such additional number of surgeon's mates as he shall judge necessary.

SEC. 14. That the commissioned officers, who shall be employed to recruit men for the said regiments, shall be entitled to receive, for every recruit who shall be duly enlisted and mustered, the sum of $2.

SEC. 15 appropriates $312,686 20 to carry this act into effect, and

SEC. 16 authorizes a loan for that object if necessary.

[*Approved, March* 3, 1791.]

CHAPTER 9.—Approved, March 5, 1792.—Vol. 1, p. 241.

An Act for making farther and more effectual provision for the protection of the frontiers of the United States.[1]

That the battalion of artillery now in service, be completed according to the establishment, and that the two regiments of infantry now in service, be completed to the number of nine hundred and sixty non-commissioned officers, privates, and musicians, each.

SEC. 2. That there shall be raised, for a term not exceeding three years, three additional regiments, each of which, exclusively of the commissioned officers, shall consist of nine hundred and sixty non-commissioned officers, privates, and musicians; and that one of the said regiments be organized in the following manner, that is to say: two battalions of infantry, each of which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates, and musicians; and one squadron of light dragoons, which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates, and musicians: and that it shall be a condition in the enlistment of the said dragoons, to serve as dismounted dragoons, whenever they shall be ordered thereto: That the organization of the said squadron of light dragoons shall be as follows, to wit: one major, one adjutant, one quartermaster, one surgeon's mate; and four troops, each of which shall consist of one captain, one lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and sixty-nine dragoons; and the President may arm the said troops, as he shall think proper.

SEC. 3. *Provided always*, That it shall be lawful for the President of the United States to organize the said five regiments of infantry, and the said corps of horse and artillery, as he shall judge expedient, diminishing the number of corps, or taking from one corps and adding to another, as shall appear to him proper, so that the whole number of officers and men shall not exceed the limits above prescribed: *Provided*, That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes.

SEC. 4. That the non-commissioned officers, privates, and musicians, of the said three regiments, shall be enlisted for the term of three years, unless previously discharged.

SEC. 5. That every recruit who shall be enlisted by virtue of this act, shall receive $8 bounty, and that the same shall be made up to the non-commissioned officers, privates, and musicians, now in service, who have enlisted for three years, since the passing of the act, entitled "An act for regulating the military establishment of the United States."[2]

SEC. 6. That the commissioned officers who shall be employed to recruit for the establishment, shall be entitled to receive for every recruit, duly enlisted and mustered, $2.

SEC. 7. That the monthly pay of the commissioned officers, non-commissioned officers, privates, and musicians, on the military establishment of the United States, and of the three regiments authorized by this act, shall be, in future, as follows, free of all deductions, to wit: *General Staff:*

[1] Repealed and supplied by act of 3 March, 1795, chap. 44, *post*.
[2] See chap. 10, *ante*, 30 April, 1790.

A major general, $166. A brigadier-general, $104. Quartermaster, $100. Adjutant, to do also the duty of inspector, $75. Chaplain, $50. Surgeon, $70. Deputy quartermaster, $50. Aid-de-camp, in addition to his pay in the line, $24. Brigade-major, to act also as deputy inspector, in addition to his pay in the line, $24. Principal artificer, $40. Second artificer, $26. *Regimental:* Lieutenant-colonel commandant, $75. Major-commandant of artillery, and major of dragoons, $55. Paymaster, in addition to his pay in the line, $10. Quartermaster, in addition to his pay in the line, $8. Adjutant, in addition to his pay in the line, $10. Majors of infantry, $50. Captains, $40. Lieutenants, $26. Ensigns and cornets, $20. Surgeons, $45. Mates, $30. Sergeant-majors and quartermaster sergeants, $7. Senior musicians, $6. Sergeants, $6. Corporals, $5. Privates, $3. Musicians, $4. Artificers allowed to the infantry, light dragoons, and artillery, and included as privates, $8. Matrons and nurses in the hospital, $8.

SEC. 8. That the rations, or money in lieu thereof, for the commissioned, non-commissioned officers, privates, and musicians, of the additional troops herein mentioned, shall be the same as described in the aforesaid act, entitled "An act for regulating the military establishment of the United States,"[1] and in the act passed in the third session of the first congress, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making farther provision for the protection of the frontiers."[2]

SEC. 9. That the forage, to be allowed to the officers of the additional regiments authorized by this act, be the same as described by the acts before mentioned.

SEC. 10. That the allowance of clothing, for non-commissioned officers and privates of the infantry of the said three regiments, shall be the same as is by law established: that suitable clothing be provided for the cavalry, and adapted to the nature of the service, and conformed as near as may be, to the value of the clothing allowed to the infantry and artillery.

SEC. 11. That all the commissioned and non-commissioned officers, privates, and musicians, of the said three regiments, shall take the same oaths, shall be governed by the same rules and regulations, and, in cases of disabilities, shall receive the same compensations as are described in the beforementioned act, entitled "An act for regulating the military establishment of the United States."[3]

SEC. 12. That it shall be lawful for the President of the United States to forbear to raise, or to discharge after they shall be raised, the whole, or any part, of the said three additional regiments, in case events shall, in his judgment, render his so doing consistent with the public safety.

SEC. 13. That the President be, and he hereby is, authorized, from time to time, to call into service, and for such periods as he may deem requisite, such number of cavalry as, in his judgment, may be necessary for the protection of the frontiers: *Provided,* That the non-commissioned officers shall not be allowed more than $1 per day, nor the privates more than 75 cents per day, each person finding his horse, arms, and accoutrements, and at his own risk, and 25 cents per day in lieu of rations and forage: Provided he furnish himself therewith.

SEC. 14. That the President alone be, and he hereby is, authorized to appoint, for the cavalry so to be engaged, the proper commissioned officers, who shall not exceed, in number and rank, the proportions assigned

[1] Chap. 10. [2] Chap. 28, *ante,* 3 March, 1791.
[3] See chap. 10, *ante,* 30 April, 1790.

to the said three regiments, and whose pay and other allowances shall not, exclusively of 50 cents per day for the use and risk of their horses, exceed those of officers of corresponding rank in the said regiments.

SEC. 15. That the President of the United States be authorized, in case he shall deem the measure expedient, to employ such number of the Indians, and for such compensations, as he may think proper: *Provided*, The said compensations do not, in the whole, exceed $20 000.

[*Approved, March* 5, 1792.]

CHAPTER 14.—Approved, March 28, 1792.—Vol. 1, p. 246.

An Act supplemental to the act for making further and more effectual provision for the protection of the frontiers of the United States.[1]

That it shall be lawful for the President of the United States, by and with the advice and consent of the Senate, to appoint such number of brigadier-generals as may be conducive to the good of the public service. Provided the whole number appointed, or to be appointed, shall not exceed four.

CHAPTER 28.—Approved, May 2, 1792.—Vol. 1, p. 264.

An Act to provide for calling forth the militia to execute the laws of the Union, to suppress insurrections and repel invasions.[2]

SEC. 1. [Same as sec. 1 of chap. 36, February 28, 1795, *post.*]

SEC. 2. That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, the same being notified to the President of the United States by an associate justice, or the district judge, it shall be lawful for the President of the United States to call forth the militia of such state to suppress such combinations, and to cause the laws to be duly executed. And if the militia of the state, where such combinations may happen, shall refuse or be insufficient to suppress the same, it shall be lawful for the President, if the legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other state or states most convenient thereto, as may be necessary, and the use of the militia, so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

SEC. 3. That whenever it may be necessary in the judgment of the President to use the militia force hereby directed to be called forth, the President shall forthwith, and previous thereto, by proclamation, command

[1] The act of 3 March, 1795, chap. 44, recognized and continued the then existing establishment, without enumerating officers. The provisions of this act appear therefore to have been in force till superseded by act of 30 May, 1796, chap. 39, *post.*

[2] Repealed by sec. 10, chap. 36, 28 Feb. 1795, *post.*

such insurgents to disperse and retire peaceably to their respective homes, within a limited time.

SEC. 4. That the militia employed in the service of the United States shall receive the same pay and allowances as troops of the United States, who may be in service at the same time, or who were last in service, and shall be subject to the same rules and articles of war: And that no officer, non-commissioned officer, or private of the militia shall be compelled to serve more than three months in any one year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs.

SEC. 5. [Same as 5th sec. of chap. 36, February 28, 1796, except that, besides being cashiered by court-martial, offenders may be, by act of 1795, incapacitated from holding commissions in the militia for twelve months at the discretion of the said court.]

SECTIONS 6, 7, 8, and 9 are same as corresponding section of act of 1795; and section 10 limits the existence of the act for two years, and from thence to the end of the next session of Congress thereafter, and no longer.

[*Approved, May* 2, 1792.]

CHAPTER 33.—Approved, May 8, 1792.—Vol. 1, p. 272.

An Act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States.[1]

1. Every able-bodied white male citizen, of the age of eighteen, and under forty-five years, to be enrolled, &c. Duty of captains with respect to enrolling, &c. Citizens enrolled, to provide themselves with arms and accoutrements in six months after enrolment, &c. Militiaman to appear armed, &c., when called out to exercise, &c., except, &c. Muskets to carry balls eighteen to the pound. Arms, &c., free from distress, executions, &c. 2. Enumeration of officers and persons who are exempt from militia duty under this act. 3. Militia in each state to be arranged into divisions, brigades, &c., as the legislature thereof may direct. Organization of brigades, regiments, &c. To be officered by the states in the manner here prescribed. 4. One company of grenadiers, light infantry, or riflemen, to each battalion. A company of artillery and troop of horse to each division. Officers of the dragoons, their horses, arms, &c. Dragoons, their horses, arms, &c. Company of artillery and troop of horse to be formed of volunteers, &c. 5. Colors to battalions and regiments, and by whom provided. 6. An adjutant-general in each state. His duties. 8. Commissioned officers to take rank according to date, &c. 9. Militiamen wounded and disabled in public service, to be provided for, &c. 10. Duties of brigade inspectors.

That each and every free able-bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years,

[1] See additional act of 2 March, 1803, chap. 15, by which the provisions of this act are modified in some respects; and see chap. 166, 17 July, 1862.

(except as hereinafter excepted,) shall, severally and respectively, be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall, at all times hereafter, be the duty of every such captain or commanding officer of a company, to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or, being of the age of eighteen years, and under the age of forty-five years, (except as before excepted,) shall come to reside within his bounds; and shall, without delay, notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket,[1] or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch, with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or, with a good rifle, knapsack, shot pouch and powder horn, twenty balls, suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred, and provided, when called out to exercise, or into service; except, that when called out on company days exercise only, he may appear without a knapsack. That the commissioned officers shall, severally, be armed with a sword or hanger, and espontoon; and that, from and after five years from the passing of this act, all muskets for arming the militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements, required as aforesaid, shall hold the same exempted from all suits, distresses, executions, or sales, for debt, or for the payment of taxes.

SEC. 2. That the Vice-President of the United States; the officers, judicial and executive, of the government of the United States; the members of both houses of Congress, and their respective officers; all custom-house officers, with their

[1] Enjoined again 2 March, 1803, chap. 15.

clerks; all post-officers, and stage-drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post-road; all inspectors of exports; all pilots; all mariners, actually employed in the sea-service of any citizen or merchant within the United States; and all persons who now are, or may hereafter be, exempted by the laws of the respective States, shall be, and are hereby, exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.[1]

SEC. 3. That within one year after the passing of this act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of each state shall direct; and each division, brigade, and regiment, shall be numbered at the formation thereof, and a record made of such numbers in the adjutant-general's office in the state; and when in the field, or in service in the state, each division, brigade, and regiment shall, respectively, take rank according to their numbers, reckoning the first or lowest number highest in rank. That, if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows: To each division,[2] one major-general and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, with one brigade-inspector, to serve also as brigade-major, with the rank of a major; to each regiment, *one*[3] *lieutenant-colonel commandant;* and to each battalion, one major; to each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drum-

[1] The following persons are also exempt from militia duty,—viz.: Post-masters, post-riders, and drivers of the mail stages—(Chap. 64, 3 March, 1825.) Assistant post-masters and clerks regularly engaged in post-offices—(Chap. 270, 2 July, 1830.) Clerks employed in the several departments of the Government—(Ex parte *Smith*—2 Cranch, 693.) A sail-maker at Washington Navy Yard, being a warrant officer—(Sanford *vs.* Boyd—2 Cranch, p. 98.) Artificers and workmen in the armories—(Sec. 4, May 7, 1800.) Active members of the several fire-companies of the D. C., during peace—(Chap. 26, 2 March, 1837.) Aliens—(Slade *vs.* Minor—2 Cranch, 139.) Justices of the peace—(Wise *vs.* Wethers—2 Cranch, 350.) Professors, tutors, stewards and students of the different seminaries of learning in the D. C., except in time of war—(Chap. 30, May 4, 1826.) Telegraph operators when employed as such—(Order of Sec. War, 1 Aug., 1862.)

[2] See, for division officers, 18 April, 1814, chap. 80.

[3] One colonel, one lieutenant-colonel, and one major, 20 April, 1816, chap. 6.

mer, and one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant and one quartermaster,[1] to rank as lieutenants; one paymaster; one surgeon, and one surgeon's mate; one sergeant-major; one drum-major, and one fife-major.

SEC. 4. That out of the militia enrolled, as is herein directed, there shall be formed, for each battalion, at least one company of grenadiers, light infantry, or riflemen; and that, to each division, there shall be at least one company of artillery, and one troop of horse: there shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers to be armed with a sword, or hanger, a fusee, bayonet and belt, with a cartridge box, to contain twelve cartridges; and each private, or matross, shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be, to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses, of at least fourteen hands and a half high, and to be armed with a sword, and pair of pistols, the holsters of which to be covered with bear-skin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and a half high, a good saddle, bridle, mail pillion, and valise, holsters, and a breastplate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander-in-chief of the state, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

SEC. 5. That each battalion and regiment shall be provided with the state and regimental colors, by the field officers, and

[1] A quartermaster-general for each state, and one quartermaster for each brigade, with a chaplain to each regiment, 2 March, 1803, chap. 15, *post*.

each company with a drum, and fife or bugle horn, by the commissioned officers of the company, in such manner as the legislature of the respective states shall direct.

SEC. 6. That there shall be an adjutant-general appointed in each state, whose duty[1] it shall be to distribute all orders from the commander-in-chief of the state to the several corps; to attend all public reviews, when the commander-in-chief of the state shall review the militia, or any part thereof; to obey all orders from him, relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns, that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps, throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: All which, the several officers of the divisions, brigades, regiments, and battalions are hereby required to make, in the usual manner, so that the said adjutant-general may be furnished therewith: from which all returns he shall make proper abstracts, and lay the same annually before the commander-in-chief of the state.

SEC. 7.[2] That the rules of discipline, approved and established by Congress, in their resolution of the 29th of March, 1779, shall be the rules of discipline to be observed by the militia throughout the United States; except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer, at every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

SEC. 8. That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn, by them, before the commanding

[1] And to make return to the President, annually, of the militia of the state, and their arms, &c., 2 March, 1803.

[2] This section is repealed by act of 12 May, 1820, chap. 97, which adopts, for the militia of the United States, the system of discipline and field exercise observed by the regular army. The rules of 1779, here referred to, were contained in the system prepared by the Baron Steuben, which was examined and amended by General Washington prior to its adoption by Congress.

officer of the brigade, regiment, battalion, company, or detachment.

SEC. 9. That if any person, whether officer or soldier, belonging to the militia of any state, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

SEC. 10. That it shall be the duty of the brigade-inspector, to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline, before described, throughout the brigade, agreeable to law, and such orders as they shall, from time to time, receive from the commander-in-chief of the state; to make returns to the adjutant-general of the state, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition, of the several corps, and every other thing which, in his judgment, may relate to their government and the general advancement of good order and military discipline; and the adjutant-general shall make a return of all the militia of the state, to the commander-in-chief of the said state, and a duplicate of the same to the President of the United States.

And whereas sundry corps of artillery, cavalry, and infantry, now exist in several of the said states, which, by the laws, customs, or usages thereof, have not been incorporated with, or subject to, the general regulations of the militia:

SEC. 11. That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act in like manner with the other militia.

[*Approved*, *May* 8, 1792.]

CHAPTER 37.—Approved, May 8, 1792.—Vol. 1, p. 279.

An Act making alterations in the Treasury and War Departments.

SEC. 1. Accountant of War Department authorized.[1]

SEC. 3.[2] That there be a paymaster[3] to reside near the head-quarters of the troops of the United States. That it shall be the duty of the said paymaster, to receive, from the treasurer, all the moneys which shall be intrusted to him for the purpose of paying the pay, the arrears of pay, subsistence, or forage, due to the troops of the United States. That he shall receive the pay abstracts of the paymasters of the several regiments or corps, and compare the same with the returns or muster rolls which shall accompany the said pay abstracts. That he shall certify, accurately, to the commanding officer, the sums due to the respective corps, which shall have been examined as aforesaid, who shall thereon issue his warrant on the said deputy paymaster, for the payment accordingly. That copies of all reports to the commanding officer, and the warrants thereon, shall be duly transmitted to the office of the accountant of the war department, in order to be there examined, and finally adjusted at the treasury. That the said paymaster shall give bond in the sum[4] of $20,000, with two sufficient sureties, for the faithful discharge of his duty, and he shall take an oath *faithfully to execute the duties of his office.* That the compensation to the said paymaster shall be $60 monthly, with the same rations and forage as a major.[5]

SEC. 4. That no assignment of pay, made after the first day of June next, by a non-commissioned officer or private, shall be valid.

SEC. 5. That all purchases and contracts, for supplying the army with provisions, clothing, supplies in the quartermaster's department, military stores, Indian goods, and all other supplies, or articles for the use of the department of war, be made by, or under, the direction of the treasury department.[6]

SEC. 8. That in case of the death, absence from the seat of government,[7] or sickness of the Secretary of State, Secretary of the Treasury, or of the Secretary of the War Department, or of any officer of either of the said departments whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons at his discretion to per-

[1] Additional accountant authorized by chap. 140, 29 April, 1816, and both offices abolished by sec. 1, chap. 45, 3 March, 1817.

[2] This sec. supplied by chap. 69, sec. 4, 30 April, 1816.

[3] Paymaster-general to be appointed by chap. 69, sec. 3, 3 March, 1816.

[4] As the President may require, by 16 March, 1802.—As Secretary of War may require, 25 April, 1816.

[5] See chap. 48, sec. 1, 3 March, 1799; chap. 26, sec. 1, 22 April, 1800; 16 March, 1802; chap. 9, sec. 3, and 24 April, 1816, sec. 3.

[6] Modified by 16 July, 1798, sec 3.

[7] And in case of vacancy, see 13 Feb., 1795, chap. 21.

form the duties of the said respective offices until a successor be appointed, or until such absence or inability by sickness shall cease.

[*Approved, May* 8, 1792.]

CHAPTER 1.—Approved, January 13, 1794.—Vol. 1, p. 341.

An Act making an alteration in the flag of the United States.

That from and after the first day of May, Anno Domini 1795, the flag of the United States be fifteen stripes, alternate red and white. That the Union be fifteen stars, white, in a blue field.[1]

CHAPTER 9.—Approved, March 20, 1794.—Vol. 1, p. 345.

An Act to provide for the defence of certain ports and harbors in the United States.

That the following ports and harbors be fortified, under the direction of the President of the United States, and at such time or times as he may judge necessary, to wit: Portland, in the district of Maine; Portsmouth, in the state of New Hampshire; Gloucester, Salem, Marblehead, and Boston, in the state of Massachusetts; Newport, in the state of Rhode Island; New London, in the state of Connecticut; New York; Philadelphia; Wilmington, in the state of Delaware; Baltimore, in the state of Maryland; Norfolk and Alexandria, in the state of Virginia; Cape Fear river, and Ocracock Inlet, in the State of North Carolina; Charleston and Georgetown, in the state of South Carolina; and Savannah[2] and St. Mary's, in the state of Georgia.

SEC. 2. That it shall be lawful for the President of the United States to employ, as garrisons, in the said fortifications, or any of them, such of the troops on the military establishment of the United States as he may judge necessary; and to cause to be provided one hundred cannon, of a calibre, each, to carry a ball of thirty-two pounds weight, and one hundred other cannon, of a calibre, each, to carry a ball of twenty-four pounds weight, together with the carriages and implements necessary for the same, and carriages with the necessary implements for one hundred and fifty other cannon, with two hundred and fifty tons of cannon shot.

SEC. 3. That it shall be lawful for the President of the United States to receive from any state (in behalf of the United States) a cession of the lands on which any of the fortifications aforesaid, with the necessary buildings, may be erected, or intended to be erected; or, where such cessions shall not be made, to pur-

[1] First fixed by resolution of 14 June, 1775; altered and established by act of 4 April, 1818, chap. 34.

[2] And Annapolis, 29 May, 1794, chap. 25.

chase such lands, on behalf of the United States: *Provided*, That no purchase shall be made where such lands are the property of a state.[1]

[*Approved, March* 20, 1794.]

CHAPTER 14.—Approved, April 2, 1794.—Vol. 1, p. 352.

An Act to provide for the erecting and repairing of arsenals and magazines, and for other purposes.[2]

That for the safe keeping of the military stores, there shall be established, under the direction of the President of the United States, three or four arsenals, with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the United States. Either, or both, of the arsenals heretofore used at Springfield and Carlisle, to be continued as part of the said number, at his discretion: *Provided*, That none of the said arsenals be erected, until purchases of the land, necessary for their accommodation, be made, with the consent of the legislature of the state in which the same is intended to be erected.

SEC. 2. That there shall be established, at each of the aforesaid arsenals, a national armory, in which shall be employed one superintendent, and one master armorer, (who shall be appointed by the President of the United States,) and as many workmen as the secretary for the department of war shall, from time to time, deem necessary, so that the whole number, at all the armories, shall not exceed one hundred.[3] And the said superintendents shall, each, receive, as a compensation,[4] $70 per month, and the said master armorers, each, $50 per month.[5]

SEC. 3. That there shall be employed an officer, whose duty it shall be, (under the direction of the department of war,) to superintend the receiving, safe keeping, and distribution of the military stores of the United States, and to call to account all persons to whom the same may be intrusted; he shall receive, for his compensation,[6] at the rate of $125 per month, and shall be appointed by the President of the United States.

SEC. 4. That a sum not exceeding $59,000 be appropriated for the erecting and repairing of the arsenals and magazines aforesaid; and a sum not exceeding $22,865 for defraying the expense of the national armories, for one year; and the further sum of $340,000, to be applied, under the direction of the President of the United States, in the purchase of arms, ammunition, and military stores; which said several sums shall be paid out of the duties on imports and tonnage, to the end of the present year.

SEC. 5. That an annual account of the expenses of the national armories be laid before the legislature of the United States, together with an account of the arms made and repaired therein.

[1] See the Constitution, art. 1, sec. 8, clause 16.

[2] See 4 May, 1798, chap. 25, making further provisions for procuring arms, &c.

[3] See act of 23 April, 1808, sec. 1.

[4] And three rations per day, 7 May, 1800, chap. 46, sec. 1. The office at Springfield abolished 23 Aug. 1841, chap. 186.

[5] See act of 7 May, 1800, sec. 4.

[6] Section 3, repealed 3 March, 1813, chap. 48, sec. 1.

CHAPTER 24.—Approved, May 9, 1794.—Vol. 1, p. 366.

An Act for raising and organizing a Corps of Artillerists and Engineers.[1]

That the number of seven hundred and sixty-four non-commissioned officers, privates, and artificers, to serve as privates, and musicians, shall be engaged for the term of three years, by voluntary enlistments; and that the proper proportion of commissioned officers shall be appointed to command the same.

SEC. 2. That the aforesaid commissioned and non-commissioned officers, privates, artificers, and musicians, shall be incorporated with the corps of artillery now in the service of the United States, and denominated the corps of artillerists and engineers; and that the entire number of the said corps, exclusively of the commissioned officers, shall be nine hundred and ninety-two.

SEC. 3. That the organization of the said corps be as herein mentioned, to wit: one lieutenant-colonel commandant, one adjutant, one surgeon; four battalions, each to consist of one major, one adjutant and paymaster, and one surgeon's mate; and four companies, each to consist of one captain, two lieutenants, two cadets, with the pay, clothing, and rations of a sergeant, four sergeants, four corporals, forty-two privates, sappers, and miners, and ten artificers to serve as privates, and two musicians.

SEC. 4. That the additional commissioned officers, non-commissioned officers, privates, artificers, and musicians, by this act directed to be raised, shall receive the same pay and allowances, in all respects, as the troops already in the service of the United States; and they shall also be governed by the same rules and articles of war, which have been, or may be, by law established.

SEC. 5. That it shall be the duty of the secretary of war to provide, at the public expense, under such regulations as shall be directed by the President of the United States, the necessary books, instruments, and apparatus, for the use and benefit of the said corps.

SEC. 6. That the President of the United States shall cause such proportions of the said corps to serve in the field, on the frontiers, or in the fortifications on the sea-coast, as he shall deem consistent with the public service.

CHAPTER 25.—Approved, May 9, 1794.—Vol. 1, p. 367.

An Act supplementary to "An Act to provide for the defence of certain ports and harbors in the United States."

That the port and harbor of the city of Annapolis be fortified, in such manner, and at such time or times, as the President of the United States may direct; and that it shall be lawful for the President of the

[1] Continued by acts of 3 March, 1795, chap. 44, and 30 May, 1796, chap. 39. An additional regiment provided by act of 27 April, 1798, chap. 33. Repealed and supplied by act of 16 March, 1802, chap. 9, sec. 1, 2, 26, 27, 28, and 29.

United States to employ a garrison in the said fortification, provide cannon and equipments, and receive, from the state of Maryland, a cession of the lands on which the said fortification, and its necessary buildings, may be erected, agreeably to the second and third sections of the act to which this is a supplement.[1]

[*Approved, May* 9, 1794.]

CHAPTER 52.—Approved, June 7, 1794.—Vol. 1, p. 390.

An Act in addition to the "Act for making further and more effectual provision for the protection of the frontiers of the United States."[2]

That if any commissioned officer in the troops of the United States shall, while in the service of the United States, die, by reason of wounds received in actual service of the United States, and shall leave a widow, or if no widow, shall leave a child or children under age, such widow, or if no widow, such child or children, shall be entitled to, and receive, the half of the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years: and in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the term, shall go to the child or children of such deceased officer, while under the age of sixteen years, and, in like manner, the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *Provided*, That no greater sum shall be allowed, in any case, to the widow or to the child or children of any officer, than the half pay of a lieutenant-colonel.

SEC. 2. That the army be in future paid in such manner that the arrears shall at no time exceed two months.

SEC. 3. That to such of the troops as are, or may be, employed on the frontiers, and under such special circumstances as, in the opinion of the President of the United States, may require an augmentation of some parts of their rations, the President be authorized to direct such augmentation as he may judge necessary, not exceeding four ounces of beef, two ounces of flour, and half a gill of rum, or whiskey, in addition to each ration, and half a pint of salt to one hundred rations.

[1] Chap. 9, 20 March, 1794, *ante*.

[2] The 1st and 2d sections of this act were superseded and supplied by act of 16 March, 1802, sec. 13 and 15. The 3d was continued with some modification by acts of 3 March, 1795, and 30 May, 1796, sec. 9, but formally repealed by act of 3 March, 1797.

CHAPTER 9.—Approved, January 2, 1795.—Vol. 1, p. 408.

An Act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes.[1]

That, from and after the passing of this act, the allowance of bounty, clothing, and pay, to the non-commissioned officers, musicians, and privates, of the infantry, artillery, and cavalry, of the militia of the United States, when called into actual service, shall be at the rate, per month, as follows: Each sergeant-major and quartermaster-sergeant, $9; each drum and fife-major, $8.33; each sergeant, $8; each corporal, drummer, fifer, and trumpeter, $7.33; each farrier, saddler, and artificer, (included as a private,) $8; each gunner, bombardier, and private, $6.66.

SEC. 2. That, in addition to the monthly pay, there shall be allowed to each officer, non-commissioned officer, musician, and private, of the cavalry, for the use of his horse, arms, and accoutrements, and for the risk thereof, except of horses killed in action, 40 cents per day; and to each non-commissioned officer, musician, and private, 25 cents per day, in lieu of rations and forage, when they shall provide the same.

SEC. 3. That whenever the militia shall be called into the actual service of the United States, their pay shall be deemed to commence from the day of their appearing at the places of battalion, regimental, or brigade rendezvous; allowing to each non-commissioned officer, musician, and private soldier, a day's pay and rations for every fifteen miles from his home to such place of rendezvous, and the same allowance for travelling home from the place of discharge.

SEC. 4. That, in addition to the pay heretofore authorized by law, there shall be allowed and paid to the non-commissioned officers, musicians, and privates, of the militia lately called forth into the actual service of the United States, on an expedition to Fort Pitt, such sums as shall, with the pay heretofore by law established, be equal to the allowances respectively provided in the first and second sections of this act: *Provided nevertheless*, That the compensations made by any state, to the militia called forth, from such state, shall be deemed to be included in the additional allowance authorized by this act; and such states shall be entitled to receive from the treasury of the United States, such sums as they shall have paid, or allowed, to the non-commissioned officers, musicians, and privates, over and above the pay heretofore allowed by law, and not exceeding the additional allowance granted by this act.

SEC. 5.[2] That, for the completing and better supporting the military establishment of the United States, as provided by the act, entitled "An act making further and more effectual provision for the protection of the frontiers of the United States," there shall be allowed and paid, from and after the 1st day of January, 1795, to each non-commissioned officer, musician, and private, now in service, or hereafter to be enlisted, the additional pay of $1 per month, during the terms of their respective enlistments; and to each soldier now in the service of the United States, or discharged therefrom, subsequent to the 3d day of March last, who

[1] See act of 19 March, 1836, which supplies this act.

[2] This and the next succeeding section relate to the regular army. Similar provisions will be found incorporated in the act of 30 May, 1796, to ascertain and fix the military establishment of the United States, which may be regarded as superseding these.—See chap. 39, sec. 7, 11, and 12.

shall re-enlist after the 1st day of January next, an additional bounty of $8, making the entire bounty $16; and to each person not now in the army of the United States, or discharged, as above, who shall enlist after the said 1st day of January next, an additional bounty of $6, making the entire bounty $14: but the payment of $4 of each additional bounty hereby granted, shall be deferred until the soldier enlisting shall join the regiment or corps in which he is to serve.

SEC. 6. That to those in the military service of the United States, who are, or shall be, employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt, in addition to every hundred of their rations.

[*Approved, January* 2, 1795.]

[By chap. 21, 13 Feb., 1795, the President may fill vacancies in the office of the secretaries of the Executive Departments, for six months, in the same manner as he may provide for cases of death, absence, or sickness therein, by chap. 37, sec. 8, 2 May, 1792, *ante*.]

CHAPTER 27.—Approved, Feb. 23, 1795.—Vol. 1, p. 419.

An Act to establish the office of Purveyor of Public Supplies.[1]

That there shall be, in the department of the treasury, an officer, to be denominated "Purveyor of Public Supplies," whose duty shall be, under the direction and supervision of the secretary of the treasury, to conduct the procuring and providing of all arms, military and naval stores, provisions, clothing, Indian goods, and generally, all articles of supply requisite for the service of the United States, and whose compensation shall be, a salary of $2000 per annum. And all letters to and from the said officer shall be received and conveyed by post free of postage.

SEC. 2. That the said officer shall not, directly or indirectly, be concerned, or interested, in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea vessel, or purchase, by himself or another in trust for him, public lands, or any other public property, or be concerned in the purchase or disposal of any public securities of any state, or of the United States, or take, or apply to his own use, any emolument or gain, for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if he shall offend against any of the prohibitions of this act, he shall, upon conviction, forfeit, to the United States, the penalty of $3000, and may be imprisoned for a term not exceeding five years, and shall be removed from office, and be forever thereafter incapable of holding any office under the United States.

SEC. 3. That the said officer shall, before he enters on the duties of his office, give bond, with sufficient sureties, to be approved by the secretary of the treasury and comptroller, in the sum of $20,000, payable to the United States, with condition for the faithful performance of the duties of his said office; which bond shall be lodged in the office of the comptroller.

[1] The office of Purveyor abolished by act of 28 March, 1812.—See chap. 46, sec. 9.

CHAPTER 36.—Approved, February 28, 1795.—Vol. 1, p. 424.

An Act to provide for calling[1] *forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; and to repeal the act*[2] *now in force for those purposes.*[3]

1. In case of invasion, &c., the President may call forth the militia most convenient, and issue his orders to the militia officers, &c. In case of insurrection against the government of a state, the President, on application, &c., may call forth the militia of other states, &c. 5. Officers, privates, &c., failing to obey the President, &c., forfeit pay, not exceeding, &c. Officers liable, moreover, to be cashiered, &c. Non-commissioned officers and privates liable to be imprisoned on failing to pay fines, &c. 6. Courts-martial, &c., of militia officers only. 7. Fines to be certified by the presiding officer of the court-martial, to the marshal, &c., who is to levy, &c. Sale of distrained goods according to state laws, &c. Where non-commissioned officers and privates are adjudged to suffer imprisonment, &c., the marshal, &c., may commit, &c. 8. The marshals to pay fines to supervisors, &c. Five per cent. compensation to the marshal. The marshals failing to pay over, may be sued, &c. 9. Marshals, in executing the laws of the United States, empowered as sheriffs, &c.

That whenever[4] the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia[5] of the state or states, most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion, and to issue his orders, for that purpose, to such officer or officers of the militia as he shall think proper. And in case of an insurrection in any state, against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such state, or of the Executive, (when the legislature cannot be convened,) to call forth such number of the militia of any other state or states, as may be applied for, as he may judge sufficient to suppress such insurrection.

[1] This act is within the constitutional power of Congress—12 Wheaton, 19–28, Martin *vs.* Mott.

[2] Chap. 28, 2 May, 1792.

[3] See supplementary act, 2 Feb. 1813, and 29 July, 1861, chap. 22, and chap. 166, 17 July, 1862.

[4] The President is the exclusive judge of the exigency which authorizes the calling forth the militia—12 Wheaton, 19–29; and his calling forth is conclusive of such exigency. *Ibid.* 32, Story, *J.*

[5] And naval forces, by act 3 March, 1807, chap. 39.

SEC. 2.[1] That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such state, or of any other state or states, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.

SEC. 3. That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abode, within a limited time.

SEC. 4. That the militia employed[2] in the service of the United States shall be subject to the same rules and articles of war as the troops of the United States: and that no officer, non-commissioned officer, or private, of the militia, shall be compelled to serve more than three months after his arrival at the place of rendezvous, in any one year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs.

SEC. 5. That every officer, non-commissioned officer, or private, of the militia, who shall fail to obey the orders of the President of the United States, in any of the cases before recited, shall forfeit[3] a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial;[4] and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia, for a term not exceeding twelve months, at the discretion of the said court: and such non-commissioned officers and privates shall be liable to be imprisoned, by a like sentence, on failure of the payment of fines adjudged against them, for one calendar month, for every five dollars of such fine.

SEC. 6. That courts-martial for the trial of militia, shall be composed of militia officers only.[5]

[1] Sections 2, 3, and 4 repealed by sec. 8, chap. 25, 29 July, 1861.

[2] Those who disobey the call are not employed in the service, so as to be liable to the Articles of War, 5 Wheaton, 1, 12, 19, Houston *vs.* Moore; 12 Wheaton, 19–33, 4 Martin *vs.* Mott.

[3] But he is liable to court-martial under the 5th section, 5 Wheat.—1 Houston *vs.* Moore; 12 *ibid.* 19–34, Martin *vs.* Mott.

[4] Convened, not under the Articles of War, which are prescribed for the army, but according to the customary usages of military service, 12 Wheat. 19–37. It is not clear that the approval of the sentence by the President is necessary, *ibid.* 19–37. The court is not terminated by a cessation of the war requiring the service, *ibid.* 19–39.

[5] Sections 5, 6, and 9 of this act are re-enacted as sec. 4, 5, and 7 of chap. 25, 29 July, 1861.

SEC. 7. That all fines to be assessed, as aforesaid, shall be certified by the presiding officer of the court-martial before whom the same shall be assessed, to the marshal of the district in which the delinquent shall reside, or to one of his deputies, and also to the supervisor of the revenue of the same district, who shall record the said certificate in a book to be kept for that purpose. The said marshal, or his deputy, shall forthwith proceed to levy the said fines, with costs, by distress and sale of the goods and chattels of the delinquent; which costs, and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the state in which the same shall be, in other cases of distress. And where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found whereof to levy the said fines, the marshal of the district, or his deputy, may commit such delinquent to jail, during the term for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

SEC. 8. That the marshals and their deputies shall pay all such fines by them levied, to the supervisor of the revenue in the district in which they are collected, within two months after they shall have received the same, deducting therefrom five per centum as a compensation for their trouble; and in case of failure, the same shall be recoverable by action of debt or information, in any court of the United States, of the district in which such fines shall be levied, having cognizance thereof, to be sued for, prosecuted, and recovered, in the name of the supervisor of the district, with interest and costs.

SEC. 9. That the marshals of the several districts, and their deputies, shall have the same powers, in executing the laws of the United States, as sheriffs, and their deputies, in the several states, have by law in executing the laws of the respective states.

SEC. 10. That the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," passed the 2d day of May, 1792,[1] shall be, and the same is hereby, repealed.

[*Approved, February* 28, 1795.]

[1] Chap. 28.

CHAPTER 44.—Approved, March 3, 1795.—Vol. 1, p. 430.

An Act for continuing and regulating the Military Establishment of the United States, and for repealing sundry Acts heretofore passed on that subject.[1]

That the present military establishment of the United States, composed of a corps of artillerists and engineers, to consist of nine hundred and ninety-two non-commissioned officers, privates, and musicians, and of a legion to consist of four thousand eight hundred non-commissioned officers, privates, and musicians, be, and the same is hereby, continued.

SEC. 2. That the said corps of artillerists and engineers be completed, conformably to the act of the eighth [ninth] of May last, establishing the same, and prescribing the number and term of enlistments, and the methods of organization.

SEC. 3. That the legion of the United States be also completed, to the number of four thousand eight hundred non-commissioned officers, privates, and musicians, by voluntary enlistments, for the term of three years; and that the sub-legions composing the same be organized in such manner as the President of the United States shall direct. *Provided, nevertheless*, That no such enlistment shall be made after three years from the passing of this act.

SEC. 4. That it shall be stipulated as a condition in the enlistments for the cavalry, that they shall serve as dismounted dragoons, when ordered so to do, and that in all cases of enlistments of the troops of every description, there be expressly reserved to the government a right to discharge the whole, or any part thereof, at such times, and in such proportions, as may be deemed expedient.

SEC. 5. That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive, for every able-bodied recruit duly enlisted and mustered, of at least five feet six inches in height, and not under the age of eighteen, nor above the age of forty-six years, the sum of $2.

SEC. 6. That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom subsequent to the 3d day of March last, who shall re-enlist, a bounty of $16: And to each person not now in the army of the United States, or discharged as above, who shall hereafter enlist, a bounty of $14: but the payment of $4 of the bounty of each and every man so enlisting, shall be deferred until he shall have joined the corps in which he is to serve.

SEC. 7. That every non-commissioned officer, private, and musician, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat or helmet, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles. And that there be furnished to the cavalry and riflemen, such clothing as shall be the most suitable and best adapted to the nature of the service, having regard therein, as nearly as may be, to the value of the clothing allowed, as above, to the infantry and artillery.

SEC. 8. That every non-commissioned officer, private, and musician, shall receive, daily, the following rations of provisions, to wit: one pound of beef, or three-quarters of a pound of pork, one pound of bread or flour, half

[1] Repealed and supplied by act of 30 May, 1796, chap. 16.

a gill of rum, brandy, or whiskey, and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations, or the value thereof at the contract price, where the same shall become due; and if, at such post, supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question.

SEC. 9. That to those in the military service of the United States, who are, or shall be, employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and a half-pint of salt in addition to every hundred of their rations.

SEC. 10. That the monthly pay of the officers, non-commissioned officers, musicians, and privates, on the military establishment of the United States, be as follows, to wit: General staff: a major-general, $166; a brigadier-general, $104; a quartermaster-general, $100; adjutant-general, to do also the duty of inspector, $75; chaplain, $50; surgeon, $70; deputy quartermaster, $50; aid-de-camp, in addition to his pay in the line, $24; brigade-major, to act also as deputy inspector, in addition to his pay in the line, $24; principal artificer, $40; second artificer, $26. Regimental: lieutenant-colonel commandant, $75; major of artillery, and major of dragoons, $55; major of infantry, $50; paymaster, adjutant, and quartermaster, in addition to their pay in the line, $10; captains, $40; lieutenants, $26; ensigns and cornets, $20; surgeons, $45; surgeon's mates, $30; sergeant-majors, and quartermaster-sergeants, $8; senior musicians, $7; sergeants, $7; corporals, $6; musicians, $5; privates, $4; artificers allowed to the infantry, light dragoons, and artillery, $9; matrons and nurses in the hospital, $8.

SEC. 11. That the commissioned officers aforesaid shall be entitled to receive, for their daily subsistence, the following number of rations of provisions, to wit: A major-general, fifteen rations; a brigadier-general, twelve rations; a lieutenant-colonel commandant, and quartermaster-general, each, six rations; a major, four rations; brigade-major, and aid-de-camp, four rations; a captain, three rations; a lieutenant, ensign, or cornet, two rations; a surgeon, as well hospital as regimental, three rations; a surgeon's mate, two rations; a deputy quartermaster, two rations; a principal, and second, artificer, each, two rations; a chaplain, two rations; or money in lieu thereof, at the option of the said officers, at the contract price, at the posts, respectively, where the rations shall become due.

SEC. 12. That the officers hereinafter described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums, per month, instead thereof, to wit: The major-general, $20; the brigadier-general, $16; lieutenant-colonel, $12; quartermaster-general, adjutant-general, and surgeon-general, each, $12; major, $10; aid-de-camp, brigade-major, and surgeon, each, $10; captain of cavalry, $8; chaplain and surgeon's mate, each, $6; deputy quartermaster and subalterns of cavalry, each, $6; principal artificer, paymaster, adjutant, and regimental quartermaster, each, $6.

SEC. 13. That if any officer, non-commissioned officer, private, or musician, aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided always*, That the rate of compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall never exceed, for the highest disability, half the monthly pay of such officer, at the time of his being so dis-

abled or wounded; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed $5 per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

SEC. 14. That the officers, non-commissioned officers, privates, and musicians, aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled,[1] as far as the same may be applicable to the constitution of the United States, or by such rules and articles as may hereafter by law be established.

SEC. 15. That every officer, non-commissioned officer, private, and musician, aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them, honestly and faithfully, against all their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

SEC. 16. That it shall be lawful for the President of the United States to arm the troops aforesaid, whether riflemen, artillerists, dragoons, or infantry, as he shall think proper; and that it be also lawful for him to forbear to raise, or to discharge after they shall be raised, any part thereof, in case events shall, in his judgment, render his so doing consistent with public safety, and general convenience and economy.

SEC. 17. That every person who shall procure, or entice a soldier in the service of the United States to desert, or who shall conceal such soldier, knowing him to have deserted, or who shall purchase from such soldier his arms, or his uniform clothing, or any part thereof, and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding $300, or be imprisoned, for any term not exceeding one year.

SEC. 18. That the several acts, entitled "An act for regulating the military establishment of the United States;"[2] "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers;"[3] "An act for making further and more effectual provision for the protection of the frontiers of the United States,"[4] be, and the same are hereby, repealed; and also so much of any act or acts of the present session, as comes within the purview of this act: *Provided always*, That nothing in this section contained shall be so construed as to vacate the commissions which have been issued, or any appointments or enlistments which have been made, in pursuance of the acts herein repealed.

[*Approved, March* 3, 1795.]

[1] *Ante*, 20 Sept. 1776, and 14 April, 1777; 27 May, 1777; 18 June, 1777, and 31 May, 1786.

[2] Chap. 10, 30 April, 1790.

[3] Chap. 9, 5 March, 1792.

[4] Chap. 14, 17 March, 1792.

[Chap. 8, March 23, 1796, provided pensions for militiamen wounded or disabled in service before 4 March, 1789, if application therefor were made one year after the then ensuing session of Congress.]

CHAPTER 25.—Approved, May 12, 1796.—Vol. 1, p. 463.

An Act allowing compensation for horses killed in battle belonging to officers of the army of the United States.[1]

That every officer in the army of the United States, whose duty requires him to be on horseback in time of action, and whose horse shall be killed in battle, be allowed a sum not exceeding $200, as a compensation for each horse so killed.

SEC. 2. That the provision contained in this act shall have retrospective operation, so far as the 4th day of March, in the year 1789: *Provided*, That no person shall receive payment for any horse so killed, until he make satisfactory proof to the secretary of war, that the horse, for which he claims compensation, was actually killed under such circumstances as to entitle him to this provision, in all cases which have heretofore taken place, within one year after the end of the present session of Congress; and in all cases which may take place hereafter, within one year after such horse shall have been killed.

SEC. 3. That the proof of the value of such horse shall be by the affidavit of the quartermaster of the corps to which the owner may belong, or of two other credible witnesses.

CHAPTER 39.—Approved, May 30, 1796.—Vol. 1, p. 463.

An Act to ascertain and fix the military establishment of the United States.[2]

That the military establishment of the United States, from and after the last day of October next, be composed of the corps of artillerists and engineers, as established by the act entitled "An act providing for raising and organizing a corps of artillerists and engineers;" two companies of light dragoons, who shall do duty on horse or foot, at the discretion of the President of the United States; and four regiments of infantry, of eight companies each; the company of dragoons shall consist of one captain, two lieutenants, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and fifty-two privates; and shall be armed and accoutred in such manner as the President of the United States may direct.

SEC. 2. That each regiment of infantry shall consist of one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, eight captains, eight lieutenants, eight ensigns, two sergeant-majors, two quartermaster sergeants, two senior musicians, thirty-two sergeants, thirty-two corporals, sixteen musicians, and four hundred and sixteen privates: *Provided always*, That the Pre-

[1] See chap. 10, 9 April, 1816, and 3 March, 1849.

[2] See act of 3 March, 1797, and 16 July, 1798; also act of 16 March, 1802.

sident of the United States may, in his discretion, appoint an additional number of surgeon's mates, not exceeding ten, and distribute the same, according to the necessity of the service.

SEC. 3. That there shall be one major-general, with two aids-de-camps; one brigadier-general, who may choose his brigade-major from the captains or subalterns of the line; which brigade-major shall receive the monthly pay of $24, in addition to his pay in the line, be entitled to four rations of provisions for his daily subsistence; and, whenever forage shall not be furnished by the public, to $10 per month in lieu thereof; one quarter-master-general; one inspector, who shall do the duty of adjutant-general; and one paymaster-general: and that the adjutants, quartermasters, and paymasters of regiments, shall be appointed from the subalterns of their respective regiments.

SEC. 4. That the President of the United States cause to be arranged, the officers, non-commissioned officers, privates, and musicians, of the legion of the United States, and light dragoons, in such manner as to form and complete out of the same the four regiments aforesaid, and two companies of light dragoons: And the supernumerary officers, privates, and musicians, shall be considered, from and after the last day of October next, discharged from the service of the United States.

SEC. 5. That the corps of artillerists and engineers be completed, conformably to the act of the 8th day of May, 1794, establishing the same, and prescribing the number and term of enlistments, and the method of organization.[1]

SEC. 6. That the commissioned officers, who shall be employed in the recruiting service, to keep up by enlistments the corps of artillerists, infantry, and dragoons aforesaid, shall be entitled to receive, for every able-bodied recruit, duly enlisted and mustered, of at least five feet six inches in height, and not under the age of eighteen, nor above the age of forty-six years, the sum of $2.

SEC. 7. That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom subsequent to the 3d day of March, 1794, who shall re-enlist for the term of five years, unless sooner discharged, a bounty of $16; and to each person not now in the army of the United States, or discharged, as above, who shall hereafter enlist for the term aforesaid, a bounty of $14; but the payment of $4 of the bounty of each and every man so enlisting, shall be deferred, until he shall have joined the corps in which he is to serve.

SEC. 8. That every non-commissioned officer, private, and musician, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

SEC. 9. That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed, as near as may be, to the value of the clothing allowed to the infantry and artillery.

SEC. 10. That every non-commissioned officer, private, and musician, shall receive, daily, the following rations of provisions, to wit: one pound of beef, or three-quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy, or whiskey; and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

[1] See chap. 24, 9 May, 1794.

SEC. 11. *Provided always*, That to those in the military service of the United States, who are, or shall be, employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of the rations, and half a pint of salt, in addition to every hundred of their rations.

SEC. 12. That the monthly pay of the officers, non-commissioned officers, musicians, and privates, of the military establishment, be as follows: a major-general, $166; a brigadier-general, $104; quartermaster, inspector, and paymaster generals, each, in addition to their pay in the line, $25: principal artificer, $40; second artificer, $26; lieutenant-colonel commandant, $75; major of artillery and of dragoons, $55; major of infantry, $50; paymaster, adjutant, and regimental quartermaster, in addition to their pay in the line, $10; captain, $40; lieutenants, $26; ensigns and cornets, $20; surgeons, $45; surgeon's mates, $30; sergeant-majors, and quartermaster-sergeants, $8; senior musicians, $7; sergeants, $7; corporals, $6; musicians, $5; privates, $4; artificers allowed to the infantry and artillery, farriers and saddlers to the dragoons, each, $9; matrons and nurses in the hospital, $8.

SEC. 13. That the commissioned officers aforesaid, shall be entitled to receive, for their daily subsistence, the following number of rations of provisions: a major-general, fifteen rations; a brigadier-general, twelve rations; a lieutenant-colonel commandant, six rations; a quartermaster, inspector, and paymaster generals, each, six rations; and each aid-de-camp shall receive the monthly pay of $24, in addition to his pay in the line, be entitled to four rations of provisions for his daily subsistence, and whenever forage shall not be furnished by the public, to $10 per month in lieu thereof; a captain, three rations; a lieutenant, ensign, and cornet, each, two rations; a surgeon, three rations; a surgeon's mate, two rations; a principal, and second, artificer, each, two rations, or money in lieu thereof, at the option of the said officers, at the posts, respectively, where the rations shall become due; and if, at such posts, supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question.

SEC. 14. That the officers hereinafter described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums, per month, instead thereof, to wit: a major-general, $20; a brigadier-general, $16; quartermaster, inspector, and paymaster generals, each, $12; lieutenant-colonel commandant, $12; major, $10; captain of dragoons, $8; lieutenant and cornet, each, $6; surgeon, $10; surgeon's mate, $6; principal artificer, paymaster, adjutant, and regimental quartermaster, each, $6.

SEC. 15. That every person who shall procure or entice a soldier, in the service of the United States, to desert, or who shall purchase from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding $300, or be imprisoned, for any term not exceeding one year.

SEC. 16. That no non-commissioned officer, or private, shall be arrested, or subject to arrest, for any debt under the sum of $20.

SEC. 17. That if any non-commissioned officer, musician, or private, shall

desert from the service of the United States, he shall, in addition to the penalties mentioned in the Rules and Articles of War, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment, and such soldier shall and may be tried and sentenced by a regimental or garrison court-martial, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

SEC. 18. That the sentences of general courts-martial, in time of peace, extending to the loss of life, the dismission of a commissioned officer; or which shall, either in time of peace or war, respect a general officer, shall, with the whole of the proceedings in such cases, respectively, be laid before the President of the United States; who is hereby authorized to direct the same to be carried into execution, or otherwise, as he shall judge proper.[1]

SEC. 19. That if any officer, non-commissioned officer, private, or musician, aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States, for the time being; *Provided always*, That the rate of compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall never exceed, for the highest disability, half the monthly pay of such officer, at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed $5 per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled, to receive an allowance proportionate to the highest disability.

SEC. 20. That the officers, non-commissioned officers, privates, and musicians, aforesaid, shall be governed by the rules and articles of war which have been established by the United States, in Congress assembled,[2] (except so much of the same as is by this act altered or amended,) as far as the same may be applicable to the constitution of the United States; or by such rules and articles as may hereafter be by law established.

SEC. 21. That every officer, non-commissioned officer, private, and musician, aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B., do solemnly swear, or affirm, (as the case may be,) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States, and the orders of the officers appointed over him, according to the rules and articles of war."

SEC. 22. That so much of any act or acts, now in force, as comes within the purview of this act, shall be, and the same is hereby, repealed: saving, nevertheless, such parts thereof as relate to the enlistments or term of service of any of the troops, which, by this act, are continued on the present military establishment of the United States.

SEC. 23. That the general staff, as authorized by this act, shall continue in service until the 4th day of next March, and no longer.

[*Approved, May* 30, 1796.]

[1] See 31 May, 1786, art. 2, and Rules and Articles of War, art. 65.
[2] See 20 Sept. 1776, and its supplements.

CHAPTER 16.—Approved, March 3, 1797.—Vol. 1, p. 507.

An Act to amend and repeal, in part, the act entitled "An Act to ascertain and fix the Military Establishment of the United States."[1]

That the third section of the act, passed the 30th of May, 1796, entitled "An act to ascertain and fix the military establishment of the United States,"[2] together with all other parts thereof, which relate to provision made for the major-general and his staff, be repealed: and that all such parts of the said act, together with so much of the twenty-third section as may be construed to affect the brigadier, and the whole of the eleventh section of the said act, be, and are hereby repealed.

SEC. 2. That there shall be one brigadier-general, who may choose his brigade-major and inspector from the captains and subalterns in the line,[3] (to each of whom there shall be allowed the monthly pay of $25, in addition to his pay in the line, and two rations extraordinary per day; and, whenever forage shall not be furnished by the public, to $10 per month in lieu thereof.) That there shall be one judge-advocate,[4] who shall be taken from the commissioned officers of the line, and shall be entitled to receive two rations extra per day, and $25 per month, in addition to his pay in the line; and whenever forage shall not be furnished by the public, to $10 per month in lieu thereof.

SEC. 3. That there shall be one quartermaster-general, and one paymaster-general, who shall receive the same pay and emoluments, respectively, which those officers have heretofore been allowed by law.

SEC. 4. That from and after the 30th day of June next, the monthly pay of the lieutenants shall be $30, and that of the ensigns $25: that to the brigadier, while commander-in-chief, and to each officer, while commanding a separate post, there shall be allowed twice[5] the number of rations to which they would otherwise be entitled.

SEC. 5. That the majors be entitled to receive four rations per day, for their subsistence.

SEC. 6. That to each commissioned officer, who may have been deranged under the act "to ascertain and fix the military establishment of the United States,"[6] there shall be paid the amount of six months' pay and subsistence.

CHAPTER 3.—Approved, June 23, 1797.—Vol. 1, p. 521.

An Act to provide for the further defence of the ports and harbors of the United States.[7]

That for fortifying certain ports and harbors of the United States, there be appropriated a sum not exceeding $115.000.

[1] Superseded by act of 2 March, 1821, chap. 13. [2] See act 30 May, 1796, chap. 39
[3] Repealed by act 22 May, 1798, but see 16 March, 1802.
[4] See 2 March, 1849, sect. 4.
[5] See sec. 6, chap. 186, 23 Aug., 1842, and note. [6] Chap. 39.
[7] See supplemental act, 3 May, 1798.

SEC. 2. That the said appropriation shall be paid and discharged out of the surplus of the revenue and income beyond the appropriations heretofore charged thereon.

SEC. 3. That the President of the United States be, and he is hereby, empowered to authorize any of the states which were found indebted to the United States, in a settlement of the accounts between them and the respective states, to expend, under his direction, the sums respectively due from them, in fortifying their ports and harbors; and the sums which may be so expended, shall be passed to the credit of the said states, on account of the balances found and reported, by the commissioners for settling the accounts between the United States and the individual states, to be due from the said states to the United States: *Provided*, That said states shall and do cede to the United States, the lands or places on which such fortifications shall be so erected, in cases where the lands are the property of such states.[1]

[*Approved, June* 23, 1797.]

CHAPTER 15.—Approved, March 14, 1798.—Vol. 1, p. 540.

An Act to provide for the widows and orphans of certain deceased officers.

That the provisions for widows and orphans of commissioned officers of the troops of the United States, contained in the first section of the law passed on the 7th day of June, 1794, entitled "An act in addition to the act making further and more effectual provision for the protection of the frontiers of the United States,"[2] be, and the same are hereby, extended to the widows and orphan children of commissioned officers of the troops of the United States, and of the militia, who have died by reason of wounds received since the 4th day of March, 1789, in the actual service of the United States: *Provided*, application shall be made within two years after the end of the present session of Congress.

CHAPTER 33.—Approved, April 27, 1798.—Vol. 1, p. 552.

An Act to provide an additional regiment of artillerists and engineers.[3]

That an additional regiment of artillerists and engineers shall and may be engaged, by voluntary enlistments, to serve for the term of five years, unless sooner discharged, and to be organized as follows, that is to say: there shall be one lieutenant-colonel commandant, one adjutant, one surgeon, and three battalions, each to consist of one major, one adjutant and paymaster, one surgeon's mate, and four companies, of one captain, two lieutenants, two cadets, with the pay, clothing, and rations of a sergeant, four sergeants, four corporals, forty-two privates, sappers and

[1] This proviso repealed by act of 3 May, 1798, sec. 3.

[2] See 7 June, 1794, chap. 52.

[3] Repealed and supplied by act of 16 March, 1802, chap. 9, sections 1, 2, 26, and 29.

miners, ten artificers, to serve as privates, and two musicians, in each company.

SEC. 2. That the additional regiment which shall be raised, pursuant to this act, shall be considered as a part of the military establishment of the United States, for the time being; and the commissioned officers, non-commissioned officers, privates, artificers, and musicians, who shall engage in the said regiment, shall be entitled to the same bounty, pay, and allowances, respectively, according to their correspondent ranks, as are, or shall be, by law, authorized and provided for the other parts of the same establishment, and shall be governed by the same rules and articles of war, and shall be armed and accoutred in such manner as the President of the United States shall direct, and shall and may be employed by him, in detachments, or otherwise, in the field, or the fortifications upon the sea-coast, as, in his opinion, the public service shall require.

SEC. 3. That the secretary of war shall provide, at the public expense, under the direction of the President of the United States, all necessary books, instruments, and apparatus, for the use and benefit of the said regiment.

[*Approved, April* 27, 1798.]

CHAPTER 37.—Approved, May 3, 1798.—Vol. 1, p. 554.

An Act supplementary to the Act providing for the further defence of the ports and harbors of the United States.[1]

That a sum not exceeding $250,000, in addition to the sums heretofore appropriated, remaining unexpended, shall be, and is hereby, appropriated, and shall and may be paid out of any moneys not before appropriated, to make and complete, at the discretion of the President of the United States, the fortifications heretofore directed for certain ports and harbors, and to erect fortifications in any other place or places, as the public safety shall require, in the opinion of the President of the United States; and which other fortifications he is hereby authorized to cause to be erected, under his direction, from time to time, as he shall judge necessary.

SEC. 2. That where any state which was found indebted to the United States, by the report of the commissioners for settling the accounts between the United States and the individual states, shall, with the approbation of the President of the United States, proceed to finish or complete any fortifications heretofore commenced by such state, for the defence of any port or harbor within the same, or shall, under the direction of the President of the United States, make and erect any additional fortifications, pursuant to the act, entitled "An act to provide for the further defence of the ports and harbors within the United States,"[2] as well the previous expenditures, made since the 20th day of March, 1794, which shall be approved by the President of the United States, as the expenditures which have been, or which shall be, directed by him, shall be allowed and credited to such state, on account of the balance found and reported, as aforesaid: *Provided*, That no expenditure exceeding the balance found and reported against the

[1] Original act of 23 June, 1797, chap. 3.

[2] See original act.

respective state, shall be allowed as aforesaid; and provided, that the fortifications for which the whole or any part of the expenditures shall be so allowed and credited as aforesaid, with their privileges and appurtenances, shall be, and shall be declared and established as the property of the United States, while maintained by them.

SEC. 3. That these words of the said act, entitled "An act for the further defence of the ports and harbors of the United States,"[1] that is to say, "provided, the said states shall and do cede to the United States, the lands or places on which such fortifications shall be so erected, in cases where the lands are the property of said states," shall be, and the same are hereby, repealed.

[*Approved, May* 3, 1798.]

CHAPTER 38.—Approved, May 4, 1798.—Vol. 1, p. 555.

An Act to enable the President of the United States to procure cannon, arms, and ammunition; and for other purposes.[2]

That a sum, not exceeding $800,000, shall be, and hereby is, appropriated, and shall and may be paid out of any moneys not before appropriated, under the direction of the President of the United States, to purchase, as soon as may be, a sufficient number of cannon, also a supply of small arms, and of ammunition and military stores, to be deposited, and used, as will be most conducive to the public safety and defence, at the discretion of the President of the United States.

SEC. 2. That the President of the United States be, and he is hereby, authorized, in case he shall find it impracticable to procure by purchase, with certainty and despatch proportionate to the necessities of the public service, the cannon and arms hereby required, and any considerable part thereof shall be likely to be deficient, to take, by lease, for a term of years, or by sale, in fee, to the United States, one or more suitable place or places where cannon or small arms may be advantageously cast and manufactured, and shall and may there establish foundries and armories, for the manufacture of the same, respectively, and shall cause suitable artisans and laborers to be there employed, for account of the United States; and shall and may appoint one or more persons to superintend the said works, under the direction of the department of war. And an account of the expenditures, which shall be incurred in forming and employing these establishments, and of the cannon and arms which shall be cast and manufactured therein, respectively, shall be laid before the Congress of the United States, at their next session, and annually thereafter, so long as the same shall be continued.

SEC. 3. That the sum of $100,000 shall be, and hereby is, appropriated, and shall be paid out of any moneys not before appropriated, for the hire, purchase, and employ, of the said foundries and armories, respectively, in case such establishments shall be found necessary, as hereinbefore provided.

[1] See original act.

[2] See act of 2 April, 1794, chap. 14; also chap. 46, 7 May, 1800, and chap. 55, 23 April, 1808.

CHAPTER 46.—Approved, May 22, 1798.—Vol. 1, p. 557

An Act to amend the Act[1] *entitled "An Act to amend and repeal, in part, the Act entitled 'An Act to ascertain and fix the military establishment of the United States.'"*[2]

That the brigadier-general who is now, or may hereafter be, in the service of the United States, be, and he hereby is, authorized to choose his brigade-major and inspector, or either of them, from the commissioned officers in the line of the army; and that so much of the second section of the act, entitled "An act to amend and repeal, in part, the act entitled 'An act to ascertain and fix the military establishment of the United States,'" as confines the choice of brigade-major and inspector to the captains and subalterns of the line, be, and the same is hereby repealed.

SEC. 2. That the accounting officers of the treasury shall allow to Major Cushing the monthly pay, rations, forage, and allowances, for the same, as established by law, for an inspector, during the time he has acted in said capacity by appointment of General Wilkinson.

CHAPTER 47.—Approved, May 28, 1798.—Vol. 1, p. 558.

An Act authorizing the President of the United States to raise a provisional army.[3]

That the President of the United States be, and he is hereby, authorized, in the event of a declaration of war against the United States, or of actual invasion of their territory, by a foreign power; or of imminent danger of such invasion discovered, in his opinion, to exist, before the next session of Congress, to cause to be enlisted, and to call into actual service, a number of troops, not exceeding ten thousand non-commissioned officers, musicians, and privates, to be enlisted for a term not exceeding three years; each of whom shall be entitled to receive a bounty of $10, one half on enlisting, and the other half on joining the corps to which he may belong.

SEC. 2. That the President be, and he is hereby, authorized to organize, with a suitable number of major-generals, and conformably to the military establishment of the United States, the said troops into corps of artillery, cavalry, and infantry, as the exigencies of the service may require; and, in the recess of the Senate, alone, to appoint the commissioned officers. The appointment of the field officers to be submitted to the advice and consent of the Senate at their next subsequent meeting. The commissioned and non-commissioned officers, musicians, and privates, raised in pursuance of this act, shall be subject to the rules and articles of war, and regulations for the government of the army, and be entitled to the same pay, clothing, rations, forage, and all other emoluments, bounty excepted, and in case of wounds or disability, received in service, to the same compensation, as the troops of the United States are by law entitled.

SEC. 3. That, in addition to the aforesaid number of troops, the President is hereby empowered, at any time within three years after the passing of

[1] Chap. 16, 3 March, 1797.
[2] Repealed by 16 March, 1802, chap. 9, sec. 3, *post.*
[3] Repealed by 16 March, 1802, chap. 9.

this act, if, in his opinion, the public interest shall require, to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who may associate and offer themselves for the service, who shall be armed, clothed, and equipped at their own expense, and whose commissioned officers the President is hereby authorized to appoint; who shall be liable to be called upon to do military duty, at any time the President shall judge proper, within two years after he shall accept the same; and when called into actual service, and while remaining in the same, shall be under the same rules and regulations, and shall be entitled to the same pay, rations, forage, and emoluments of every kind, excepting bounty and clothing, as the other troops to be raised by this act.

SEC. 4. That in case any such volunteer, while in actual service, and in the line of his duty, sustains any damage, by injury done to his horse, arms, or equipage, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President shall direct, shall be allowed for each and every such damage or loss.

SEC. 5. That whenever the President shall deem it expedient, he is hereby empowered to appoint, by and with the advice and consent of the Senate, a commander of the army which may be raised by virtue of this act, and who, being commissioned as lieutenant-general,[1] may be authorized to command the armies of the United States, and shall be entitled to the following pay and emoluments, viz.: $250 monthly pay, $50 monthly allowance for forage, when the same shall not be provided by the United States, and forty rations per day, or money in lieu thereof, at the current price, who shall have authority to appoint from time to time, such number of aids, not exceeding four, and secretaries, not exceeding two, as he may judge proper, each to have the rank, pay, and emoluments of a lieutenant-colonel.

SEC. 6. That, whenever the President shall deem it expedient, he is hereby empowered, by and with the advice and consent of the Senate, to appoint an inspector-general, with the rank of major-general; and the major-generals and inspector-general shall, each, be entitled to the following pay and emoluments, viz.: $166 monthly pay, $20 monthly allowance for forage, when the same is not provided by the United States, and fifteen rations per day, or money in lieu thereof, at the current price; and shall be, and they are hereby, authorized to appoint two aids, each of whom shall have the rank, pay, and emoluments of a major. And at the time aforesaid, the President is further empowered, by and with the advice and consent of the Senate, to appoint an adjutant-general, who shall have the rank, pay, and emoluments of a brigadier-general. And the President is hereby authorized, alone, to appoint, from time to time, when he shall judge proper, assistant inspectors, to every separate portion of the army, consisting of one or more divisions, who shall be deputy adjutant-generals thereof, respectively, and who shall be taken from the line of the army, and allowed, in addition to their pay, $8 per month; and, likewise, to appoint inspectors and sub-inspectors to each brigade and corps, of every description, at his discretion, taking them from the line of the army, and they shall each receive, while acting in said capacity, an additional pay of $6 per month.

SEC. 7. That in case the President shall judge the employment of a quartermaster-general, physician-general, and paymaster-general, or either

[1] The title of lieutenant-general abolished, by act of 3 March, 1799, sec. 9, chap. 48. Revised temporarily, 15 Feb. 1855, Res. 9.

of them, essential to the public interest, he is hereby authorized, by and with the advice and consent of the Senate, to appoint the same accordingly, who shall be entitled to the rank, pay, and emoluments which follow, viz.: quartermaster-general, the rank, pay, and emoluments of a lieutenant-colonel; physician-general, and paymaster-general, each, the pay and emoluments of a lieutenant-colonel; *Provided*, That in case the President shall judge it expedient to appoint a commander of the army, an inspector-general, adjutant-general, quartermaster-general, physician-general, and paymaster-general, or either of them, in the recess of the Senate, he is hereby authorized to make any or all of said appointments, and grant commissions thereon, which shall expire at the end of the next session of the Senate thereafter.

SEC. 8. That the laws of the United States respecting the regulations and emoluments of recruiting officers, punishment of persons who shall procure or entice a soldier to desert, or shall purchase his arms, uniform, clothing, or any part thereof; and the punishment of every commanding officer of any ship or vessel, who shall receive on board his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away, any soldier, or refuse to deliver him up to the orders of his commanding officer; and the law respecting the oath or affirmation to be taken by officers, non-commissioned officers, musicians, and privates, and respecting the inserting of conditions in the enlistments, and all other laws respecting the military establishment of the United States, excepting in such cases where different and specific regulations are made by this act, shall be in force, and apply to all persons, matters, and things, within the intent and meaning of this act, in the same manner as they would, were they inserted at large in the same.

SEC. 9. That the commander of the army, inspector-general, adjutant-general, quartermaster-general, physician-general, and paymaster-general, and the general, field, and commissioned officers, who may be appointed by virtue of this act, shall, respectively, continue in commission during such term only as the President shall judge requisite for the public service; and that it shall be lawful for the President to discharge the whole, or any part, of the troops, which may be raised, or accepted, under the authority of this act, whenever he shall judge the measure consistent with the public safety.

SEC. 10. That no commissioned or staff officer, who shall be appointed by virtue of this act, shall be entitled to receive pay or emoluments until he shall be called in actual service, nor for any longer time than he shall continue therein: *Provided*, nothing in this section shall be construed to prevent captains and subalterns from receiving pay and emoluments while employed in the recruiting service: *And provided also*, That no enlistment shall take place by virtue of this act, after three years from the passing thereof.

SEC. 11. That it shall be lawful for the President of the United States, at his discretion, upon the request of any militia corps, established by law, in any state, disposed to inform themselves in the use of artillery, or of the executive of any state, in behalf of such corps, to suffer to be loaned to them such pieces, not exceeding two to any one corps, of the field artillery of the United States, as may be most convenient spared, to be taken, removed, and returned, at the expense of the party requesting; who are to be accountable for the same, and to give receipts accordingly.

SEC. 12. That the President of the United States shall be, and he is hereby, authorized, when, under his orders, any portion of the militia, or any volunteer corps, shall be called forth and engaged in the actual service

of the United States, to suffer to be loaned, at the request of the executive of the state from which such militia shall be called forth, or of such volunteer corps, appearing to be unavoidably deficient, a supply of field artillery, arms, and accoutrements, from the arsenals of the United States, as the case may require; proper receipts and security being given to be accountable to return the same, the accidents of the service excepted.

SEC. 13. That the President of the United States shall be, and he is hereby, authorized to cause to be purchased and procured a quantity of caps, swords, or sabres, and pistols with holsters, not exceeding what may be sufficient for 4000 cavalry, and to be deposited in the parts of the United States where he shall deem it most convenient for the supply of any corps of cavalry which shall be called into the actual service of the United States, and which the President of the United States may loan, upon the terms, and the like receipts to be accountable, as hereinbefore provided: and, for this purpose, and towards defraying the expenses which may be necessarily incurred before the next session of Congress, in executing the other purposes of this act, a sum, not exceeding $200,000, shall be, and is hereby, appropriated, and shall and may be paid at the treasury, under the orders of the President of the United States, out of any money not already appropriated.

SEC. 14. That the private soldiers who are, and who shall be enlisted and employed in the service of the United States, shall be, and they are hereby, exempted, during their term of service, from all personal arrests, for any debt or contract. And whenever any soldier shall be arrested, whether by mesne process, or in execution, contrary to the intent hereof, it shall be the duty of the judge of the district court of the district in which the arrest shall happen, and of any justice of the supreme court of the United States, and of any court or judge of a state, who, by the laws of such state, are authorized to issue writs of habeas corpus, respectively, on application, by any officer of the corps in which such soldier shall be engaged, to grant a writ of habeas corpus, returnable before himself; and, upon due hearing and examination, in a summary manner, to discharge the soldier from such arrest, taking common bail, if required, in any case upon mesne process, and commit him to the applicant, or some other officer of the same corps.

[*Approved, May* 28, 1798.]

CHAPTER 57.—Approved, June 22, 1798.—Vol. 1, p. 569.

An Act supplementary to, and to amend, the Act entitled "An Act authorizing the President of the United States to raise a provisional army."[1]

That the companies of volunteers, and the members of each company, who shall be duly engaged and accepted by the President of the United States, and organized with proper officers commissioned by him, pursuant to the third section of the act, entitled "An act authorizing the President of the United States to raise a provisional army," shall submit to and observe such rules of training and discipline, as shall be thought necessary to prepare them for actual service; and which rules the Presi-

[1] For original act, see 28 May, 1798.

dent of the United States is hereby authorized to make and establish; and all such companies and volunteers are hereby exempted, until their discharge, or during the time of their engagement, as aforesaid, from all militia duty which is or shall be required by the laws of the United States, or of any state, and from every fine, penalty, or disability, which is or shall be provided to enforce the performance of any duty or service in the militia.

SEC. 2. That the President of the United States shall be, and he is hereby, authorized, by and with the consent of the Senate, or by himself, in the recess of Congress, pursuant to the said act, to appoint and commission, as soon as he shall think it expedient, such and so many field officers as shall be necessary for the organizing and embodying in legions, regiments, or battalions, any volunteer companies who shall engage, and shall be accepted, as aforesaid; and such field officers shall have authority, accordingly, to train and discipline such volunteer companies, pursuant to the rules therefor, which shall be established, as aforesaid: *Provided*, That no officer or volunteer, who shall be appointed, engaged, or employed in any training or discipline, as aforesaid, shall be considered as in the pay of the United States, until called into actual service.

SEC. 3. That the President of the United States may authorize the sale, at a reasonable rate, sufficient to indemnify the United States, to any company of volunteers who shall be accepted, as aforesaid, of such pieces of artillery, small arms, and accoutrements, to be delivered from the public arsenals, as shall be found necessary for the equipment and training of such volunteers; or may loan the same to them, upon the receipts of their respective officers, to be accounted for, or returned, at the expiration of their engagement, or other discharge: and of such sales or loans, the necessary accounts shall be kept in the war department, and the money, accruing by any sale, shall be paid into the treasury of the United States; and the same shall be, and is hereby, appropriated for the purchase of other artillery, arms, and accoutrements, as the President of the United States shall direct.

SEC. 4. That the President of the United States may proceed to appoint and commission, in the manner prescribed by the said act, such and so many of the officers authorized thereby, for the raising, organizing, and commanding, the provisional army of ten thousand men, as, in his opinion, the public service shall more immediately require; any thing which may be supposed in the said act, to the contrary hereof notwithstanding: *Provided*, That the officers who shall be so appointed, shall not be entitled to any pay, subsistence, or other emolument, by reason of such commission, until they shall be, respectively, employed in the actual service of the United States: *And provided*, That the further raising of the said army shall not be authorized otherwise than as by the said act is provided.

[*Approved, June* 22, 1798.]

CHAPTER 65.—Approved, July 6, 1798.—Vol, 1, p. 576.

An Act providing arms for the militia throughout the United States.

That there shall be provided, at the charge and expense of the government of the United States, thirty thousand stand of arms, which shall be

[1] See 23 April, 1808, chap. 55.

deposited, by order of the President of the United States, at suitable places, for the purpose of being sold to the governments of the respective states, or the militia thereof, under such regulations, and at such prices, as the President of the United States shall prescribe.

SEC. 2. That the President of the United States be, and he is hereby, authorized to cause all, or any part of the arms herein directed to be provided and deposited for sale, which shall at any time remain unsold, to be delivered to the militia, when called into the service of the United States, proper receipts and security being given for the return of the same.

SEC. 3. That the moneys arising from such sales shall be paid into the treasury of the United States, and the amount received shall be annually reported to Congress.

SEC. 4. That, for the purpose of carrying this act into effect, the President of the United States shall be, and he is hereby, authorized to draw from the treasury of the United States a sum not exceeding $400,000, to be paid out of any money in the treasury not otherwise appropriated.

[*Approved, July* 16, 1798.]

CHAPTER 76.—Approved, July 16, 1798.—Vol. 1, p. 604.

An Act to augment the army of the United States, and for other purposes.[1]

That from and after the passage of this act, each regiment of infantry in the army of the United States, shall consist of one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, ten captains, ten lieutenants, ten ensigns, one sergeant-major, one quartermaster-sergeant, two senior musicians, forty sergeants, forty corporals, twenty musicians, and six hundred privates; and that the several regiments of infantry now in the service of the United States, be augmented accordingly: *Provided always*, That the President of the United States may, in his discretion, appoint and distribute such additional number of surgeon's mates, and for such length of time, as the exigencies of the service may require.

SEC. 2. That the President of the United States be, and he hereby is, authorized to raise, in addition to the present military establishment, twelve regiments of infantry, and six troops of light dragoons, to be enlisted for and during the continuance of the existing differences between the United States and the French Republic, unless sooner discharged; and the said six troops, together with the two troops of dragoons now in service, shall be formed into a regiment, and there shall be appointed thereto one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one sergeant-major, and one quartermaster-sergeant, whose pay and emoluments, as well as those of the cornets, respectively, shall be the same as are by law allowed to officers of the same grades in the infantry.

SEC. 3. That there shall be two major-generals, with two aids-de-camp each; one inspector-general, with the rank, pay, and emoluments of a major-general, and two aids-de-camp; three brigadier-generals, in addition to the present establishment; two assistant inspectors, (who shall be taken from the line of the army,) one adjutant-general, with one or more assistant or assistants, (to be taken from the line of the army,) and four chaplains.

[1] Repealed by act of 16 March, 1802, chap. 9.

SEC. 4. That the major-generals, respectively, shall be entitled to $160 monthly pay, with $20 allowance for forage monthly, and for daily subsistence fifteen rations, or money in lieu thereof, at the contract price; the adjutant-general shall be entitled to the rank, pay, and emoluments of a brigadier-general; each chaplain to the pay and emoluments of a major; the aids-de-camp and assistant inspectors shall each be entitled to $24 monthly, in addition to their pay in the line, and to four rations of provisions, each, for their daily subsistence; and, whenever forage shall not be furnished by the public, to $10 per month in lieu thereof.

SEC. 5. That each non-commissioned officer, private, and musician, who shall hereafter be enlisted for the army of the United States, shall be able-bodied, and of a size and age suitable for the public service, according to the directions which the President of the United States shall and may establish, and shall be entitled to a bounty of $12, but the payment of $4 thereof shall be deferred until he shall have joined the army; and each commissioned officer who shall be employed in the recruiting service, shall be entitled to receive, for each such non-commissioned officer and private, and for each sufficient musician, duly enlisted and mustered, the sum of $2.

SEC. 6. That the monthly pay of the non-commissioned officers, musicians, and privates, in the army of the United States, from and after the first day of August next, shall be as follows: cadets, $10, and two rations per day; sergeant-majors, and quartermaster-sergeants, $10; senior musicians, $8; sergeants, $8; corporals, $7; musicians, $6; privates, $5; artificers to the infantry and artillery, and farriers and saddlers to the dragoons, shall be allowed, each, the monthly pay of $10. That every non-commissioned officer, private, and musician, shall receive, daily, the following rations of provisions, to wit: one pound and a quarter of beef, or three-quarters of a pound of pork; eighteen ounces of bread, or flour; a gill of rum, brandy, or whiskey; and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles, to every hundred rations.

SEC. 7. That the President of the United States be, and he hereby is authorized to appoint a number, not exceeding four, teachers of the arts and sciences, necessary for the instruction of the artillerists and engineers, who shall be entitled to the monthly pay of $50, and two rations per day.

SEC. 8. That the officers, non-commissioned officers, musicians, and privates, raised by virtue of this act, shall take and subscribe the oath or affirmation prescribed by the law, entitled "An act to ascertain and fix the military establishment of the United States,"[1] and they shall be governed by the rules and articles of war which have been, or may be, established by law, and shall be entitled to the legal emoluments in case of wounds or disabilities, received while in actual service, and in the line of duty. And in recess of Senate, the President of the United States is hereby authorized to appoint all the regimental officers proper to be appointed under this act, and likewise to make appointments to fill any vacancies in the army, which may have happened during the present session of the Senate.

SEC. 9. That there shall be appointed an inspector of the artillery, taken from the line of artillerists and engineers, who shall be allowed $30 per month, in addition to his pay in the line, and four rations of provisions for his daily subsistence; and, whenever forage shall not be furnished by the public, he shall be allowed $10 per month instead thereof.

[*Approved, July* 16, 1798.]

[1] See 30 May, 1796.

CHAPTER 85.—Approved, July 16, 1798.—Vol. 1, p. 610.

An Act to alter and amend the several Acts for the establishment and regulation of the Treasury, War, and Navy Departments.

[EXTRACT.]

SEC. 3. That all purchases, and contracts for supplies or services for the military and naval service of the United States, shall be made by or under the direction of the chief officers of the departments of war and the navy, respectively, and all agents or contractors for supplies or services as aforesaid, shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required; subject, nevertheless, to the inspection and revision of the officers of the Treasury in manner before prescribed.

SEC. 4. That it shall be the duty of the purveyor of public supplies,[1] to execute all such orders as he may, from time to time, receive from the secretary of war or secretary of the navy, relative to the procuring and providing of all kinds of stores and supplies; and shall render his accounts relative thereto, to the accountants of the proper departments, which accounts shall be subject to the inspection and revision of the officers of the treasury as aforesaid.

SEC. 5. That the provisions of the act, passed on the 8th day of May, 1792, entitled "An act making alterations in the treasury and war departments,"[2] and the act passed on the 23d day of February, 1795, entitled "An act to establish the office of purveyor of public supplies,"[3] so far as the same are repugnant to the provisions of this act, be, and the same are hereby, repealed.

SEC. 6. That all contracts to be made by virtue of this act, or of any law of the United States, and requiring the advance of money, or to be in any manner connected with the settlement of public accounts, shall be deposited in the office of the comptroller of the treasury of the United States, within ninety days after their dates, respectively.[4]

CHAPTER 27.—Approved, March 2, 1799.—Vol. 1, p. 721.

An Act to regulate the Medical Establishment.[5]

That in the medical establishment of the United States there shall be the following officers: A physician-general, who shall be charged with the superintendence and direction of all military hospitals, and, generally, of all medical and chirurgical practice or service concerning the army or navy of the United States, and of all persons who shall be employed in and about the same, in camps, garrisons, and hospitals. An apothecary-general, and one or more deputies, who shall be charged with the safe

[1] The office of purveyor abolished, by act of 28 March, 1812. See chap. 46, sec. 9.
[2] See chap. 37, 18 May, 1792.
[3] See chap. 27, 23 February, 1795.
[4] See 3 March, 1809, chap. 28.
[5] Repealed and supplied by act of 16 March, 1802, chap. 9, secs. 3 and 29, and see acts of July, 1862.

keeping and delivery of all medicines, instruments, dressings, and other articles, for the use of the hospital and army. A purveyor, who shall be charged with providing medicines, stores, and whatsoever else may be necessary in relation to the said practice or service. A competent number of hospital surgeons, who shall be liable to serve in the field, and who shall have the immediate charge and direction of such military hospitals as may be committed to their care, respectively. A suitable number of hospital mates, who are to observe the directions of the hospital surgeons, and shall diligently perform all reasonable duties required of them for the recovery of the sick and wounded.

SEC. 2. That each military hospital shall have a steward, with a competent number of nurses, and other attendants; which steward shall be charged with the procuring of such supplies as may not otherwise be furnished, and with the safe keeping and issuing of all supplies.

SEC. 3. That the said physician-general, hospital-surgeons, purveyor, and apothecary and apothecaries, deputy or deputies, shall be appointed as other officers of the United States; that the said mates and stewards shall be appointed by the authority, and at the direction, of the said physician-general, subject to the eventual approbation and control of the President of the United States, and shall be removable by the authority of the said physician-general; and that the surgeon of each hospital shall appoint, employ, and fix the compensations of, the nurses and other attendants of such hospital, subject to the control of the said physician-general, or the hospital surgeon, of senior appointment, with a separate army, or in a separate district.

SEC. 4. That as often as the regimental sick will not suffer by the employing of the regimental surgeons or mates in the temporary or other hospitals of the United States, the physician-general, or the hospital surgeon, of senior appointment, with a separate army, or in a separate district, with the consent of the general and commander-in-chief, or the officer commanding a separate army, may require the attendance of such surgeons, or surgeon's mates, as, in his opinion, can be with safety so withdrawn from their regiments.

SEC. 5. That it shall be the duty of the physician-general, with two or more hospital surgeons, to frame a system of directions relative to the description of patients to be admitted into the hospitals; to the means of promoting cleanliness in the hospitals; to the prevention of idleness, skulking, and gambling, in the hospitals; to the prevention of the spread of infectious distempers in the camps and hospitals, and the government of nurses, and all others charged with the care of the sick in camps or hospitals, subject, in the first instance, to the approbation and revision of the commander-in-chief, the commander of a separate army, or in a separate district, as the case may be, and, eventually, to the approbation and control of the President of the United States: *Provided always*, That the said directions, having received the sanction of the commander-in-chief, or the commander of a separate army, shall be operative, and remain in full force, unless altered or annulled by the President of the United States.

SEC. 6. That the compensations of the said several officers shall be as follows: of the physician-general, $100 pay per month, and $50 per month, which shall be in full compensation for forage, rations, and travelling expenses: of the purveyor, $100 pay per month, in full compensation for his services, and all expenses: of the apothecary-general, $80 pay per month, and $30 per month, in full compensation for forage, rations, and all expenses: of each of his deputies, $50 pay per month, and $16 per month, in full compensation for forage, rations, and all expenses: of each hospital

surgeon, $80 pay per month, and $40 per month, in full compensation for forage, rations, and all expenses: of each mate, $30 pay per month, and $20 per month, in full compensation for forage, rations, and all expenses: of each steward, $25 pay per month, and $8 per month, in full compensation for forage, rations, and all expenses: *Provided*, That none of the officers aforesaid shall be entitled to any part of the pay or emoluments aforesaid, until they shall, respectively, be called into actual service.

SEC. 7. That, for the accommodation of the sick of the army and navy of the United States, the physician-general, and hospital surgeon of senior appointment, with the approbation of the general commanding the army within the district where he shall be, shall have power to provide temporary hospitals; and the physician-general, with the approbation of the President of the United States, shall have power to provide and establish permanent hospitals.

SEC. 8. That all the said officers, and others, shall, as touching their several offices and duties, be liable to the rules and regulations for the government and discipline of the army; and shall be bound to obey, in conformity with law and the usages and customs of armies, the orders and directions of the chief military officers of the respective armies, and within the respective districts in which they shall respectively serve and be.

SEC. 9. That the physician-general, or, in his absence, the senior medical officer, with the approbation of the commander-in-chief, or commanding officer of a separate army, be, and hereby is, authorized and empowered, as often as may be judged necessary, to call a medical board, which shall consist of the three senior medical officers, then present, whose duty it shall be to examine all candidates for employment or promotion in the hospital department, and certify to the secretary of war the qualifications of each.

[*Approved, March* 2, 1799.]

CHAPTER 31.—Approved, March 2, 1799.—Vol. 1, p. 725.

An Act giving eventual authority to the President of the United States to augment the army.[1]

That it shall be lawful for the President of the United States, in case war shall break out between the United States and a foreign European power, or in case imminent danger of invasion of their territory by any such power, shall, in his opinion, be discovered to exist, to organize and cause to be raised, in addition to the other military force of the United States, twenty-four regiments of infantry, a regiment and a battalion of riflemen, a battalion of artillerists and engineers, and three regiments of cavalry, or such part thereof as he shall judge necessary; the non-commissioned officers and privates of which to be enlisted for a term not exceeding three years, and to be entitled each to a bounty of $10; one-half to be paid at the time of enlistment, and the remainder at the time of joining the regiment to which they may belong.

SEC. 2. That the President of the United States be authorized, whenever

[1] The 1st and 2d sections of this act expired by the operation of the 11th section; the powers thereby conferred not having been continued for a longer time.

it shall appear to him expedient, if during the session of the Senate, with their advice and consent, if in their recess, alone, to appoint and commission all officers for the said troops, agreeably to the rules and regulations prescribed by law for the military establishment: *Provided*, That the general and field officers who may be appointed in the recess of the Senate, shall, at the next meeting thereof, be nominated and submitted to them for their advice and consent.

SEC. 3. That the officers, non-commissioned officers, and privates, of the troops, which may be organized and raised pursuant to this act, shall be entitled to the like pay, clothing, rations, forage, and other emoluments, and to the like compensation in case of disability by wounds, or otherwise, incurred in the service, as the officers, non-commissioned officers, and privates of other troops of correspondent denominations, composing the army of the United States; and, with them, shall be subject to the rules and articles of war, and to all other regulations for the discipline and government of the army. *Provided*, That no officer, except captains and subalterns who may be employed in the recruiting service, shall be entitled to any pay or other emolument until he shall be called into actual service.

SEC. 4. That the laws of the United States respecting the regulations and emoluments of recruiting officers, punishment of persons who shall procure or entice a soldier to desert, or shall purchase his arms, uniform, clothing, or any part thereof, and the punishment of every commanding officer of every ship or vessel, who shall receive on board his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any soldier, or refuse to deliver him up to the orders of his commanding officer; and the law respecting the oath or affirmation to be taken by officers, non-commissioned officers, musicians, and privates; and respecting the inserting of conditions in the enlistments; and all other laws respecting the military establishment of the United States, excepting in such cases where different and specific regulations are made by this act, shall be in force, and apply to all persons, matters, and things, within the intent and meaning of this act, in the same manner as they would were they inserted at large in the same.

SEC. 5. That it shall be lawful for the President of the United States, at his discretion, to discharge the whole, or any part of the troops which may be raised by virtue of this act, whensoever he shall think fit.

SEC. 6. That the President of the United States be authorized to organize all such companies of volunteers, as have been, or shall be, accepted by him pursuant to the act entitled "An act authorizing the President of the United States to raise a provisional army,"[1] into regiments, brigades, and divisions, and to appoint all officers thereof, agreeably to the organization prescribed by law for the army of the United States: and the said volunteers shall not be compelled to serve out of the state in which they reside, a longer time than three months after their arrival at the place of rendezvous.

SEC. 7. That it shall be lawful for the President of the United States to call forth and employ the said volunteers in all the cases, and to effect all the purposes, for which he is authorized to call forth and employ the militia, by the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for these purposes."[2]

SEC. 8. That it shall not be lawful for the President of the United States to accept a greater number of the said volunteers, in any of the states or

[1] See chap. 47, 28 May, 1798. [2] See chap. 36, 28 February, 1795.

territories of the United States, than is hereinafter apportioned to them, respectively; that is to say: To New Hampshire, three thousand; to Massachusetts, ten thousand; to Rhode Island, one thousand; to Vermont, two thousand; to Connecticut, five thousand; to New York, seven thousand; to New Jersey, five thousand; to Pennsylvania, ten thousand; to Delaware, one thousand; to Maryland, five thousand; to Virginia, ten thousand; to Kentucky, one thousand; to North Carolina, seven thousand; to Tennessee, one thousand; to South Carolina, four thousand; to Georgia, fifteen hundred; to North-Western Territory, one thousand; and to Mississippi Territory, five hundred.

SEC. 9. That for the execution of this act, if it shall be found necessary to carry it, or any part of it, into effect, there be appropriated the sum of $2,000,000; and that the President be authorized to borrow, on behalf of the United States, the said sum, or so much thereof as he shall deem necessary, (which the bank of the United States is hereby empowered to lend,) and upon such terms and conditions as he shall judge most advantageous to the United States: *Provided*, That such terms and conditions shall not restrain the United States from paying off the sum which may be borrowed, after the expiration of fifteen years.

SEC. 10. That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be, and hereby is, pledged and appropriated for paying the interest of all such moneys as may be borrowed pursuant to this act, according to the terms and conditions on which the loan, or loans, respectively, may be effected; and also for paying, by discharging, the principal sum or sums of any such loan or loans, according to the terms and conditions to be fixed as aforesaid.

SEC. 11. That the powers, by the first and second sections of this act vested in the President of the United States, shall cease at the expiration of the session of Congress next ensuing the present, unless they shall be, by some future law, continued in force for a longer time.

[*Approved, March* 2, 1799.]

[By Chap. 47, 3d March, 1799, the President of the United States is authorized to make appointments to fill any vacancies in the army and navy which may have happened during the present session of the Senate.]

CHAPTER 48.—Approved, March 3, 1799.—Vol. 1, p. 749.

An Act for the better organizing of the troops of the United States, and for other purposes.[1]

That the troops heretofore authorized, and which hereafter may be authorized, to be raised, shall be composed and organized as follows, to wit: A regiment of infantry shall consist of one lieutenant-colonel commandant, two majors, first and second, one adjutant, one quartermaster, and one paymaster, each being a lieutenant, one surgeon, and two sur-

[1] Repealed and supplied by act of 16 March, 1802, chap. 9, so far as it conflicts with the provisions of that act. Sections 22, 23, and 24 do not appear to come within the operation of the repealing clause.

geon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster-sergeants, two chief musicians, first and second, twenty other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, which, together, shall form two battalions, each battalion of five companies: A regiment of cavalry shall consist of one lieutenant-colonel commandant, two majors, a first and second, one adjutant, one quartermaster, and one paymaster, each being a lieutenant; one surgeon, and two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster-sergeants, two chief musicians, first and second, ten other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, including ten saddlers, ten blacksmiths, and ten boot-makers; which, together, shall form five squadrons, each squadron of two companies: A regiment of artillery shall consist of one lieutenant-colonel commandant, four majors, one adjutant, one quartermaster, and one paymaster, each being a lieutenant; one surgeon, and two surgeon's mates, sixteen captains, thirty-two lieutenants, besides the three lieutenants before mentioned, thirty-two cadets, four sergeant-majors, four quartermaster-sergeants, sixty-four sergeants, sixty-four corporals, one chief musician, ten other musicians, eight hundred and ninety-six privates, including one hundred and twenty-eight artificers, which, together, shall form four battalions, each battalion of four companies: *Provided, always*, That the number of privates raised, and to be raised, for the regiment of cavalry, and the regiments of infantry heretofore authorized, shall not exceed the number, respectively, for which provision hath been made by law; nor shall the battalion of riflemen, nor the two additional troops of cavalry authorized by this act, be raised, until further provision shall be so made, unless war shall break out between the United States and some European prince, potentate, or state, in which case it shall be lawful for the President of the United States, at his discretion, to cause the said regiments, or any of them, to be severally completed to their full establishment.

SEC. 2. That every ensign and cornet, in the regiments heretofore appointed, shall be denominated hereafter second lieutenants.

SEC. 3. That the officers, non-commissioned officers, and privates, hereinafter mentioned, who now are, or at any time hereafter may be, in the actual service of the United States, shall be entitled to, and shall receive, the following compensations, to wit: a major-general, $166 per month, and fifteen rations of provisions per day, or an equivalent in money; and when forage shall not be furnished by the United States, the further sum of $20 per month. A brigadier-general, $104 per month, twelve rations per day, or an equivalent in money, and $16 per month for forage, when not furnished as aforesaid. A lieutenant-colonel commandant, $75 per month, six rations per day, or an equivalent in money, and $12 for forage, when not furnished as aforesaid. A major of artillery or cavalry, each, $55 dollars per month, four rations per day, or an equivalent in money, and $10 per month for forage, when not furnished as aforesaid. A major of infantry, $50 per month, four rations per day, or an equivalent in money, and $10 per month for forage, when not furnished as aforesaid. A captain of cavalry, $40 per month, three rations per day, or an equivalent in money, and $8 per month for forage, when not furnished as aforesaid. A captain of artillery, and infantry, $40 per month, and three rations per day, or an equivalent in money. A first lieutenant of cavalry, $30 per month, two rations per day, or an equivalent in money, and $6 per month for forage, when not furnished as aforesaid. Lieutenants of artillery, each,

$30 per month, and two rations per day, or an equivalent in money. A second lieutenant of cavalry, $25 per month, two rations per day, or an equivalent in money, and $6 per month for forage, when not furnished as aforesaid. A first lieutenant of infantry, $30 per month, and two rations per day, or an equivalent in money. A second lieutenant of infantry, $25 per month, and two rations per day, or an equivalent in money. A regimental surgeon, $45 per month, three rations per day, or an equivalent in money, and $10 per month for forage, when not furnished as aforesaid. A surgeon's mate, $30 per month, two rations per day, or an equivalent in money, and $6 dollars per month for forage, when not furnished as aforesaid. A regimental paymaster, quartermaster, and adjutant, in addition to their pay in the line, each, $10 dollars, and $6 per month for forage, when not furnished as aforesaid. A cadet of cavalry, $10 per month, two rations per day, or an equivalent in money, and $6 per month for forage, when not furnished as aforesaid. All other cadets, $10 per month, and two rations per day, or an equivalent in money. A sergeant-major, and a quartermaster-sergeant, each, $10 per month. A chief musician, $8 per month. A sergeant, $8 per month. A corporal, $7 per month. A musician, $6 per month. An artificer to the infantry and artillery, a farrier, saddler, and boot-maker to the dragoons, each $10 per month. A private soldier, $5 dollars per month. And to each of the said non-commissioned officers and privates, one ration of provisions per day.

SEC. 4. That all non-commissioned officers, artificers, privates, and musicians, who are, and who shall be, enlisted, and the non-commissioned officers, artificers, privates, and musicians, of the militia, or other corps, who at any time may be in the actual service of the United States, shall be, and they are hereby, exempted, during their term of service, from all personal arrests, for any debt or contract. And whenever any non-commissioned officer, artificer, private, or musician, shall be arrested, whether by mesne process, or in execution, contrary to the intent hereof, it shall be the duty of the judge of the district court of the United States, and of any court or judge of a state, who, by the laws of such state, are authorized to issue writs of habeas corpus, respectively, on application by an officer, to grant a writ of habeas corpus, returnable before himself: and upon due hearing and examination, in a summary manner, to discharge the non-commissioned officer, artificer, private, or musician, from such arrest, taking common bail, if required, in any case upon mesne process, and commit him to the applicant, or some other officer of the same corps.

SEC. 5. That each non-commissioned officer, private, artificer, and musician, who shall hereafter be enlisted, for the army of the United States, shall be able-bodied, and of a size and age suitable for the public service, according to the directions which the President of the United States shall and may establish; and shall be entitled to a bounty of $12; but the payment of $4 thereof shall be deferred until he shall have joined the army. And each commissioned officer, who shall be employed in the recruiting service, shall be entitled to receive, for each such non-commissioned officer, and private, and artificer, and for each sufficient musician, duly enlisted and mustered, the sum of $2, the same being in full compensation for his extra expenses in the execution of this service.

SEC. 6. That when any officer shall be detached from a regiment, to serve as an aid to a general officer, or as assistant or other inspector, or as an assistant to the quartermaster-general, by whatsoever name, or as an assistant to the adjutant-general, by whatsoever name, the place of such officer in his regiment shall be supplied, by promotion or new appoint-

ment, or both, as may be requisite; but the officer detached shall, nevertheless, retain his station in his regiment, and shall rank and rise therein in the same manner as if he had not been detached.

SEC. 7. That no officer shall be appointed as the inspector of a division, who, when appointed, shall be of a rank higher than that of major, or as the inspector of a brigade, who, when appointed, shall be of a rank higher than that of captain, or as the aid of a major-general, who, when appointed, shall be of a rank higher than that of captain, or as the aid of a brigadier-general, who, when appointed, shall be of a rank higher than that of first lieutenant, or as the quartermaster of a division, who, when appointed, shall be of a rank higher than that of captain, or as the quartermaster of a brigade, who, when appointed, shall be of a rank higher than that of first lieutenant, or as an assistant to the adjutant-general, who, when appointed, shall be of a rank higher than that of captain.

SEC. 8. That, in the ordinary arrangement of the army, two regiments of infantry, or cavalry, shall constitute a brigade,[1] and shall be commanded by a brigadier-general; two brigades, a division, and shall be commanded by a major-general. *Provided always*, That it shall be in the discretion of the commanding general to vary this disposition, whenever he shall judge it proper: *And provided also*, That this act shall not render it necessary to appoint any greater number of general officers than have been heretofore authorized by law, sooner than, in the opinion of the President, the military service of the United States shall require it.

SEC. 9. That a commander of the army of the United States shall be appointed, and commissioned by the style of "general of the armies of the United States;" and the present office and title of lieutenant-general shall thereafter be abolished.[2]

SEC. 10. That there shall be a quartermaster-general of the army of the United States, who shall be entitled to the rank, pay, emoluments, and privileges, of a major-general.

SEC. 11. That it shall be lawful for the President of the United States, at his discretion, to organize, officer, and raise a battalion of riflemen, to consist of the same number of officers and men, and to be entitled to the same pay and emoluments, whatsoever, as a battalion of infantry of the line.

SEC. 12. That to any army of the United States, other than that in which the quartermaster-general shall serve, there shall be a deputy quartermaster-general, who shall be a field-officer, and who, in addition to his other emoluments, shall be entitled to $50 per month, which shall be in full compensation for his extra services, and travelling expenses; but the provisions of this act are not to affect the present quartermaster-general of the army of the United States, who, in case a quartermaster-general shall be appointed by virtue of this act, is to act as deputy quartermaster-general; and shall hereafter have the rank of lieutenant-colonel; and that, to every division of an army, there shall be a division quartermaster, who, in addition to his other emoluments, shall be entitled to $30 per month, which shall be in full compensation for his extra services and travelling expenses; and that, to every brigade, there shall be a brigade quartermaster, who, in addition to his other emoluments, shall be entitled to $24 per month, which shall be in full compensation for his extra services and travelling

[1] See organization act of July, 1861.

[2] Revived, temporarily, by resolution 15 Feb. 1855, and conferred upon Major-General Winfield Scott.

expenses; each of which officers shall be chosen by the quartermaster-general from among the regimental officers.

SEC. 13. That, to any army of the United States, other than that in which the inspector-general shall serve, there shall be a deputy inspector-general, who shall be a field-officer, and who, in addition to his other emoluments, shall be entitled to $50 per month, which shall be in full compensation for his extra services and travelling expenses; and that, to every division of an army, there shall be a division inspector, who, in addition to his other emoluments, shall be entitled to $30 per month, which shall be in full compensation for his extra services and travelling expenses; and that, to every brigade, there shall be a brigade inspector, who, in addition to his other emoluments, shall be entitled to $24 per month, which shall be in full compensation for his extra services and travelling expenses; each of which officers shall be chosen by the inspector-general, from among the regimental officers. The deputy inspector-general to be, in every case, approved by the general commanding the army, to which he shall be annexed.

SEC. 14. That the adjutant-general of the army shall be, ex officio, assistant inspector-general, and that every deputy inspector-general shall be, ex officio, deputy adjutant-general, and shall perform the duties of adjutant-general in the army to which he shall be annexed.

SEC. 15. That the paymaster-general of the armies of the United States, shall always quarter at or near the head-quarters of the main army, or at such place as the commander-in-chief shall deem proper; and that, to the army on the western frontiers, and to detachments from the main army, intended to act separately for a time, he shall appoint deputy paymasters, who shall account to him for the money advanced to them, and shall each give a bond, in the sum of $15,000, with sufficient sureties, for the faithful discharge of their duties, respectively, and take an oath faithfully to execute the duties of their offices; and the several regimental paymasters shall also give bond, in the sum of $5000, with one or more sufficient sureties, and take an oath, as aforesaid, for the faithful discharge of the duties of their offices, respectively; and that the paymaster-general shall receive $80 per month, with the rations and forage of a major, in full compensation for his services and travelling expenses; and the deputy, in addition to his pay, and other emoluments, $30 per month, in full compensation for his extra services and travelling expenses.

SEC. 16. That every major-general of the army of the United States shall be entitled to two aids, to be chosen by himself, each of whom, in addition to his pay and other emoluments in his regiment, shall receive $24 per month, and $10 per month for forage, when not furnished as aforesaid; and that every brigadier-general of the said army shall be entitled to one aid, to be chosen by himself, who, in addition to his pay and other emoluments in his regiment, shall receive $24 per month, and $10 per month for forage, when not furnished as aforesaid.

SEC. 17. That the President of the United States be authorized to engage and appoint, distinct from the officers of the corps of artillerists and engineers, two engineers, with the rank of lieutenant-colonel, and to stipulate and allow to them, respectively, such compensations as he shall find necessary and expedient.

SEC. 18. That an inspector of fortifications shall be appointed, whose duties shall be assigned by the secretary of war, under the direction of the President of the United States; that the compensation to be allowed to the said inspector, if selected from the corps of artillerists and engineers, in full for his extra services and travelling expenses, shall, besides his pay

and emoluments in the corps, be $35 per month; and if he shall not be an officer in the artillery or army, he shall, in full compensation for his services and expenses, be allowed the sum of $75 monthly, and be entitled to the rank of major in the army of the United States; and in case the said inspector shall be chosen from the corps of artillerists and engineers, or army of the United States, his place therein shall be supplied by promotion, or a new appointment, or both, as may be requisite; but he shall, nevertheless, retain his station in the said corps, or army, and shall rank and rise therein, in the same manner as if he had never been appointed to the said office of inspector.

SEC. 19. That a ration of provisions shall henceforth consist of eighteen ounces of bread, or flour; or, when neither can be obtained, of one quart of rice, or one and a half pound of sifted or bolted Indian meal; one and a quarter pound of fresh beef, or one pound of salted beef, or three-quarters of a pound of salted pork; and, when fresh meat is issued, salt, at the rate of two quarts for every hundred rations; soap, at the rate of four pounds, and candles, at the rate of one and a half pound for every hundred rations: *Provided always*, That there shall be no diminution of the ration to which any of the troops now in service may be entitled by the terms of their enlistment.

SEC. 20. That every non-commissioned officer, private, artificer, and musician, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen, and two pair of linen, overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

SEC. 21. That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed, as near as may be, to the value of the clothing allowed to the infantry and artillery.

SEC. 22. That it shall be lawful for the commander-in-chief of the army, or the commanding officer of any separate detachment or garrison thereof, at his discretion, to cause to be issued, from time to time, to the troops under his command, out of such supplies as shall have been provided for the purpose, rum, whiskey, or other ardent spirits, in quantities not exceeding half a gill to each man per day, excepting in cases of fatigue service, or other extraordinary occasions; and that, whensoever supplies thereof shall be on hand, there shall be issued to the troops vinegar, at the rate of two quarts for every hundred rations.

SEC. 23. That it shall be lawful for the commanding officer of each regiment, whenever it may be necessary, to cause the coats, vests, and overalls, or breeches, which may, from time to time, be issued to and for his regiment, to be altered and new made, so as the better to fit them to the persons, respectively, for whose use they shall be delivered, and, for defraying the expense of such alteration, to cause to be deducted and applied, out of the pay of such persons, a sum or sums, not exceeding

twenty-five cents for each coat, eight cents for each vest, and for each pair of overalls or breeches.

SEC. 24. That it shall be lawful for the secretary of war to cause to be provided, in each and every year, all clothing, camp utensils, and equipage, medicines, and hospital stores, necessary for the troops and armies of the United States, for the succeeding year, and for this purpose to make purchases, and enter, or cause to be entered, into, all necessary contracts or obligations for effecting the same.

SEC. 25. That whenever any officer or soldier shall be discharged from the service, except by way of punishment for an offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient to travel from the place where he receives his discharge to the place of his residence, computing at the rate of twenty miles to a day.

SEC. 26. That there shall be allowed to the inspector-general, in addition to his allowance as major-general, and in full compensation for extra services and expenses in the execution of his office, the sum of $50 per month, and that he shall be allowed a secretary, to be appointed by himself, with the pay and emoluments of a captain.

[*Approved, March* 3, 1799.]

CHAPTER 9.—Approved, Feb. 20, 1800.—Vol. 2, p. 7.

An Act to suspend, in part, an Act, entitled "An Act to augment the army of the United States, and for other purposes."[1]

That all further enlistments under the second section of an act, entitled "An act to augment the army of the United States, and for other purposes," shall be suspended until the further order of Congress, unless, in the recess of Congress, and during the continuance of the existing differences between the United States and the French Republic, war shall break out between the United States and the French Republic, or imminent danger of invasion of their territory, by the said republic, shall, in the opinion of the President of the United States, be discovered to exist.

CHAPTER 26.—Approved, April 22, 1800.—Vol. 2, p. 38.

An Act to fix the compensation of the paymaster-general, and assistant to the adjutant-general.[2]

That the paymaster-general of the army of the United States shall receive $120 per month, with the rations and forage of a major, in full com-

[1] See the act here partially suspended, 16 July, 1798.

[2] Repealed by act of 16 March, 1802, chap. 9.

pensation for his services and travelling expenses, to be computed from the commencement of the time of his actual residence at the seat of government, any thing in the "Act for the better organizing of the troops of the United States, and for other purposes,"[1] to the contrary notwithstanding.

SEC. 2. That the pay of the assistant of the adjutant-general, in addition to his pay and other emoluments in the line of the army, shall be $40 per month, which shall be in full compensation for his extra services and travelling expenses, to be computed from the time of his entering upon actual service.

[*Approved, April* 22, 1800.]

CHAPTER 46.—Approved, May 7, 1800.—Vol. 2, p. 61.

An Act for the regulation of public arsenals and magazines.[2]

That the several officers who now are, or hereafter may be, employed in the armories of the United States, shall be entitled to, and shall receive, the following compensations, in addition to their pay as established by law, to wit: A superintendent of such armory, three rations per day, or an equivalent in money; and a master armorer,[3] two rations per day, or an equivalent in money.

SEC. 2. That if any person shall procure, or entice, any artificer, or workman, retained or employed in any arsenal, or armory of the United States, to depart from the same during the continuance of his engagement, or avoid or break his contract with the United States, or who after due notice of the engagement of any such workman or armorer, in any arsenal or armory, shall, during the continuance of such engagement, retain, hire, or in any wise employ, harbor, or conceal, such artificer or workman, the person so offending shall, upon conviction, be fined, at the discretion of the court, not exceeding $50, or be imprisoned, for any term not exceeding three months.

SEC. 3. That if any artificer, or workman, hired, retained, or employed, in any public arsenal or armory, shall, wantonly and carelessly, break, impair, or destroy, any implements, tools, or utensils, or any stock, or materials for making guns, the property of the United States; or shall, wilfully and obstinately, refuse to perform the services lawfully assigned to him, pursuant to his contract, every such person shall forfeit a sum, not exceeding $20, for every such act of disobedience or breach of contract, to be recovered in any court having competent jurisdiction thereof.

SEC. 4. That all artificers, and workmen, who are or shall be employed in the said armories, shall be, and they are hereby, exempted, during their term of service, from all military service, and service as jurors in any court.

[1] 3 March, 1779.
[2] See chap. 14, 2 April, 1794.
[3] Superintendent of Springfield and Harper's Ferry abolished 23 Aug., 1842.

CHAPTER 69.—Approved, May 14, 1800.—Vol. 2, p. 85.

An Act supplementary to the Act to suspend part of an Act, entitled "An Act to augment the army of the United States, and for other purposes."

That it shall be lawful for the President of the United States to suspend any further military appointments under the act to augment the army of the United States, and for other purposes,[1] and under the ninth section of the act for the better organization of the troops of the United States, and for other purposes,[2] according to his discretion, having reference to economy and the good of the service.

SEC. 2. That the President of the United States shall be, and hereby is, authorized and empowered to discharge, on or before the 15th day of June next, all such officers, non-commissioned officers, and privates, as have heretofore been appointed, commissioned, or raised, under and by virtue of the said acts, or either of them, except the engineers, inspector of artillery, and inspector of fortifications: *Provided always*, That nothing in this act contained shall be construed to authorize any reduction of the first four regiments of infantry, the two regiments of artillerists and engineers, the two troops of light dragoons, or of the general and other staff, authorized by the several laws for the establishing and organizing of the aforesaid corps.[3]

SEC. 3. That to each officer, non-commissioned officer, and private, who shall be discharged from service by virtue of this act, there shall be allowed and paid, in addition to the pay and allowances to which they are now entitled by law, a sum of money equal to three months' pay of such officer, non-commissioned officer, and private, respectively.

CHAPTER 9.—Approved, March 16, 1802.—Vol. 2, p. 132.

An Act fixing the Military Peace Establishment of the United States.[4]

4. Monthly pay. Stationery, adjutant and inspector. Paymaster. Aids of brigadier. Pay of officers and men. 5. Rations to be furnished in proportion to rank. The President to allow additional rations. Rations to women. Matrons and nurses of hospitals. 7. Money in lieu of forage. 16. Paymasters to act by directions of the President. To give bond. Oath of office. To appoint paymasters, and authorized to require bonds. 26. Corps of engineers organized. Of whom.

[1] See 16 July, 1798, chap. 76.

[2] 3 March, 1799, chap. 48, and 11 July, 1798, chap. 72.

[3] This proviso superseded by the act of 16 March, 1802, chap. 9.

[4] The provisions of this act in regard to pay, subsistence, clothing, allowances for wounds and disabilities, and benefits and allowances generally, are adopted by act of 3 March, 1815. The residue may be considered as repealed and supplied by that act, and those therein referred to.—See act 3 March, 1815, sections 4 and 7; see also acts additional to this act, 28 February, 1803, 26 March, 1804, 12 April, 1808, 24 December, 1811, 23 August, 1842.

Cadets, and pay of. Promotions. 27. The corps of engineers to be stationed at West Point, and to be a military academy, but to do duty when required. 28. The principal engineer to superintend the academy. The secretary of war to procure books, &c. 29. Repeal of laws.

That the military[1] peace establishment of the United States, from and after the 1st of June next, shall be composed of one regiment of artillerists, and two regiments of infantry, with such officers, military agents, and engineers, as are hereinafter mentioned.

SEC. 2.[2] That the regiment of artillerists[3] shall consist of one colonel, one lieutenant-colonel, four majors, one adjutant, and twenty companies, each company to consist of one captain, one first lieutenant, one second lieutenant, two cadets, four sergeants, four corporals, four musicians, eight artificers, and fifty-six privates; to be formed into five battalions: *Provided always*, That it shall be lawful for the President of the United States to retain, with their present grade, as many of the first lieutenants, now in service, as shall amount to the whole number of lieutenants required; but that, in proportion as vacancies happen therein, new appointments be made to the grade of second lieutenants, until their number amount to twenty: and each regiment of infantry shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one sergeant-major, two teachers of music, and ten companies; each company to consist of one captain, one first and one second lieutenant, one ensign, four sergeants, four corporals, four musicians, and sixty-four privates.

SEC. 3. That there shall be one brigadier-general, with one aid-de-camp,[4] who shall be taken from the captains or subalterns of the line; one adjutant and inspector of the army, to be taken from the line of field officers; one paymaster of the army, seven paymasters, and two assistants, to be attached to such districts as the President of the United States shall direct, to be taken from the line of commissioned officers, who, in addition to their other duties, shall have charge of the clothing of the troops; three military agents,[5] and such number of assistant military agents, as the President of the United States shall deem expedient, not exceeding one to each military post; which assistants shall be taken from the line; two surgeons,[6] twenty-five surgeon's mates, to be attached to the garrisons or posts, and not to corps.

SEC. 4. That the monthly pay of the officers, non-commissioned officers, musicians, and privates, be as follows, to wit: to the brigadier-general, *two hundred and twenty-five dollars*, which shall

[1] See, for reorganization of the military establishment, the 3 March, 1815, chap. 79, and the 2 March, 1821, chap. 13.

[2] The artillery corps was reorganized, by the 3 March, 1814, chap. 37, secs. 1 and 2, and the 2 March, 1815, chap. 13.

[3] The infantry were reorganized by the 2 March, 1815, chap. 13, as respects the men, and again by the 23 August, 1842, chap. 186, sec. 1, which supplies the 5 July, 1838, chap. 142, sec. 1.

[4] There were four brigadiers by the 3 March, 1815, chap. 79, sec. 3, and two by the 2 March, 1821, chap. 13, and two additional added by the 18 June, 1846, chap. 29, sec. 1, and were to be reduced to two, on vacancies, by 19 July, 1848, chap. 104, sec. 1. See acts of July, 1861, for increase.

[5] Military agents were abolished by the 28 March, 1821, chap. 46, sec. 18, *post*.

[6] See, for surgeons, the 2 March, 1821, chap. 13, sec. 10, and note.

be his full and entire compensation,[1] without a right to demand or receive any rations, forage, travelling expenses, or other perquisite or emolument whatsoever, except such stationery as may be requisite for the use of his department; *to the adjutant and*[2] *inspector of the army, thirty-eight dollars* in addition to his pay in the line, and such stationery as shall be requisite for his department; to the paymaster of the army, one hundred and twenty dollars, without[3] any other emolument, except such stationery as may be requisite in his department and the use of the public office now occupied by him; to the aid-de-camp, in addition to his pay in the line, thirty dollars; each paymaster attached to districts, thirty dollars, and each assistant to such paymaster, ten dollars, in addition to his pay in the line; *to each military agent, seventy-six dollars and no other emolument; to each assistant military agent, eight dollars, in addition to his pay in the line, except the assistant military agents at Pittsburg and Niagara, who shall receive sixteen dollars each, in addition to their pay in the line;* to each colonel,[4] seventy-five dollars; to each lieutenant-colonel, sixty dollars; to each major, fifty dollars; to each surgeon, forty-five dollars; to each surgeon's mate, thirty dollars; to each adjutant, ten dollars, in addition to his pay in the line; to each captain, forty dollars; to each first lieutenant, thirty dollars; to each second lieutenant, twenty-five dollars; to each ensign, twenty dollars; to each cadet, ten dollars; *to each*[5] *sergeant-major, nine dollars; to each sergeant, eight dollars; to each corporal, seven dollars; to each teacher of music, eight dollars; to each musician, six dollars; to each artificer, ten dollars; and to each private, five*[6] *dollars.*

[1] The brigadier's pay, $104, by the 12 April, 1808, chap. 43, sec. 4, and confirmed by the 3 March, 1815, chap. 79, sec. 4, and re-enacted by the 8 January, 1812, chap. 14, sec. 6.

[2] For adjutants and inspectors general, see the 2 March, 1821, chap. 13, sec. 6, and notes, by which they are to have the rank and emoluments of colonels of cavalry.

[3] Paymasters had forage and rations of a major, by the 2 April, 1800; see for the paymaster-general's salary, the 24 April, 1816, chap. 69, sec. 3. Paymasters, as to pay and emoluments, are put on the footing of majors of infantry, by the 25 April, 1816, chap. 69, sec. 3.

[4] For the pay of the officers of the dragoons, see the 12 April, 1808, chap. 43, sec. 4.

[5] The parts in italics as to the pay of non-commissioned officers and men, is supplied by the 5 July, 1838, chap. 162, sec. 16, and 7 July, 1838, chap. 194, and see chap. 55, 21 Feb., 1857, for increase of officers pay.

[6] Seven dollars to each private, by the 7 July, 1838, chap. 194; thirteen dollars to each enlisted man, by sec. 1, chap. 63, 6 Aug. 1861.

SEC. 5. That the commissioned officers aforesaid, shall be entitled to receive, for their daily subsistence, the following number of rations of provisions: a colonel, six rations; a lieutenant-colonel, five rations; a major, four rations; a captain, three[1] rations; a lieutenant, two rations; an ensign, two rations; a surgeon, three rations; a surgeon's mate, two rations; a cadet, two rations or money in lieu thereof, at the option of the said officers and cadets at the posts, respectively, where the rations shall become due; and if at such post supplies are not furnished by contract, then such allowance as shall be deemed equitable,[2] having reference to former contracts, and the position of the place in question; and each non-commissioned[3] officer, musician, and private, one ration; *to the commanding officer of each separate*[4] *post, such additional number of rations as the President of the United States shall, from time to time, direct, having respect to the special circumstances of each post;* to the women who may be allowed to any particular corps, not exceeding the proportion of four to a company, one ration each; to such matrons and nurses as may be necessarily employed in the hospital, one ration each; and to every commissioned officer who shall keep one servant,[5] not a soldier of the line, one additional ration.

SEC. 6. That each ration shall consist of one pound and a quarter of beef, or three-quarters of a pound of pork, eighteen ounces of bread or flour, one gill of rum, whiskey, or brandy, and at the rate of two quarts of salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles, to every hundred rations.[6]

SEC. 7.[7] That the following officers shall, whenever forage is not furnished by the public, receive[8] at the rate of the following sums per month, in lieu

[1] And forage for one horse, by the 6 July, 1812, chap. 133.

[2] The ration is estimated at 20 cents (and 30 cents by act 1857) by the 12 April, 1808, ch. 43, sec. 6, and the 11 Jan. 1812, chap. 14, sec. 23. This section (5) of rations is not supplied by the 4th section of 12 April, 1808, chap. 43.

[3] See, for these separate commands, the 23 August, 1842, chap. 186, sec. 6.

[4] When out of reach of the commander-in-chief, or superior officer in command in the neighborhood. 1 Peters, 293–296, and see 3 How. 566. See sec. 19, chap. 42, 3 Aug. 1861.

[5] See now as to servants the 30 March, 1814, chap. 37, sec. 9 and 10, and n.

[6] The ration is repeated by the 8 Jan. 1812, chap. 14, sec. 8, and see substitution for rum, whiskey, or brandy, in sec. 2, chap. 39, 26 March, 1804. See notes to that act.

[7] This section supplies the 30 May, 1796, chap. 39, sec. 14, *ante;* see further as to forage, the 12 April, 1808, chap. 43, sec. 4; the 6 July, 1812, chap. 133; the 28 March, 1812, chap. 46; the 24 April, 1816, chap. 69, sec. 12; the 3 March, 1845, chap. 65; and the 11 February, 1847, chap. 8, sec. 4.

[8] They are entitled to eight dollars for each horse; allowed to all officers, by the 24 April, 1816, chap. 69, sec. 12.

thereof: each colonel, $12; each lieutenant-colonel, $11; each major, $10; each adjutant, $6; each surgeon, $10; and each surgeon's mate, $6.

SEC. 8.[1] [That every non-commissioned officer, musician, and private of the artillery and infantry, shall receive annually the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, one coarse linen frock and trowsers for fatigue clothing, four pair of shoes, four shirts, two pair of socks, two pair of short stockings, one blanket, one stock and clasp, and one pair of half gaiters: and the secretary of war is hereby authorized to cause to be furnished to the paymasters of the respective districts, such surplus of clothing as he may deem expedient, which clothing shall, under his direction, be furnished to the soldiers, when necessary, at the contract prices, and accounted for by them out of their arrears of monthly pay.]

SEC. 9. That the President of the United States cause to be arranged the officers, non-commissioned officers, musicians, and privates of the several corps of troops now in the service of the United States, in such manner as to form and complete, out of the same, the corps aforesaid; and cause the supernumerary officers, non-commissioned officers, musicians, and privates, to be discharged from the service of the United States, from and after the 1st day of April next, or as soon thereafter as circumstances may permit.

SEC. 10. That the officers, non-commissioned officers, musicians, and privates, of the said corps, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, or by such rules and articles as may be hereafter by law established: *Provided, nevertheless,* That the sentence of general courts-martial, extending to the loss of life, the dismission of a commissioned officer, or which shall respect the general officer, shall, with the whole of the proceedings of such cases, respectively, be laid before the President[2] of the United States, who is hereby authorized to direct the same to be carried into execution, or otherwise, as he shall judge proper.

SEC. 11.[3] That the commissioned officers who shall be employed in the recruiting service, to keep up, by voluntary enlistments, the corps as aforesaid, shall be entitled to receive, for every effective, able-bodied citizen of the United States, who shall be duly enlisted by him, for the term of five years, and mustered, of at least five feet six inches high, and between the ages of eighteen and thirty-five years, the sum of $2: *Provided, nevertheless,* That this regulation, so far as respects the height and age of the recruit, shall not extend to musicians, or to those soldiers who may re-enlist into the service: *And provided, also,* That no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent[4] of his parent, or guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

[1] The President is to prescribe the clothing by the 24 April, 1816, chap. 69, sec. 7; and see the 11 January, 1812, chap. 14, sec. 9, supplying this section.

[2] This requisition of the approbation of the President is re-enacted by the 10 April, 1806, of the articles of war, art. 65.

[3] The recruiting fee is abolished by the 2 March, 1833, chap. 68, sec. 5; and the clause as to height repealed by the 5 July, 1838, chap. 162, sec. 30.

[4] A similar clause in the act of the 20 January, 1813, was repealed by the 10 Dec. 1814, chap. 10, sec. 3; and see 11 Jan. 1812, chap. 14, sec. 11; and 13 Feb. 1862, sec. 2 chap. 13.

SEC. 12.[1] [That there shall be allowed and paid to each effective able-bodied citizen, recruited as aforesaid, to serve for the term of five years, a bounty of $12; but the payment of $6 of the said bounty shall be deferred until he shall be mustered and have joined the corps in which he is to serve.]

SEC. 13. That the said corps shall be paid in such manner that the arrears shall at no time exceed two months, unless the circumstances of the case shall render it unavoidable.

[SECTIONS 14 and 15 are omitted here because they are the same as sections 11 and 12 of 29 January, 1816, chap. 16.]

SEC. 16. That the paymaster shall perform the duties[2] of his office, agreeable to the direction of the President of the United States, for the time being: [*and before he enters on the duties of the same, shall give bonds with good and sufficient sureties, in such sums as the President shall direct,*[3] *for the faithful*[4] *discharge of his said office;* and shall take an oath to execute the duties thereof with fidelity; and it shall, moreover, be his duty to appoint[5] from the line, with the approbation of the President of the United States, the several paymasters to districts and assistants prescribed by this act; and he is hereby authorized to require the said paymasters to districts, and assistants, to enter into bonds, with good and sufficient surety, for the faithful discharge of their respective duties.]

SEC. 17.[6] That it shall be the duty of the military agents, designated by this act, to purchase, receive, and forward to their proper destination, all military stores, and other articles for the troops in their respective departments, and all goods and annuities for the Indians, which they may be directed to purchase, or which shall be ordered into their care by the department of war. They shall account with the department of war, annually, for all the public property which may pass through their hands, and all the moneys which they may expend in discharge of the duties of their offices respectively; previous to their entering on the duties of their offices, they shall give bonds with sufficient sureties, in such sums as the President of the United States shall direct, for the faithful discharge of

[1] Supplied by 11 January, 1812, chap. 14, sec. 12.

[2] See, as to his duties, the 8 May, 1772, chap. 37, sec. 3; and the 24 April, 1816, chap. 69, sec. 4.

[3] In $20,000, by the 8 May, 1792, chap. 37, sec. 3; in such sums as the Secretary of War shall direct, by the 24 April, 1816, chap. 69, sec. 6.

[4] The construction of which is not affected by local laws. 7 Peters, 435–449.

[5] The rest of this section seems to be supplied by the 2 March, 1821, chap. 13, sec. 9, and 24 April, 1816, chap. 69, sec. 6, and the acts referred to in the notes to those acts.

[6] Office abolished. See n. to sec. 3.

the trust reposed in them; and shall take an oath faithfully to perform the duties of their respective offices.

SEC. 18.[1] That if any non-commissioned officer, musician, or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve, for and during such a period, as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court-martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

SEC. 19. That every person who shall procure, or entice, a soldier in the service of the United States to desert, or who shall purchase from any soldier his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of any court having cognizance of the same, in any sum not exceeding $300, or be imprisoned, any term not exceeding one year.

SEC. 20. That every officer, non-commissioned officer, musician, and private, shall take and subscribe the following oath or affirmation, to wit: "I, A. B., do solemnly swear, or affirm, (as the case may be,) that I will bear true faith and allegiance to the United States of America, and that I will serve them honestly and faithfully, against their enemies or opposers whomsoever; and that I will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

SEC. 21.[2] That whenever a general court-martial shall be ordered, the President of the United States may appoint some fit person to act as judge-advocate, who shall be allowed, in addition to his other pay, $1.25 for every day he shall be necessarily employed in the duties of the said court, and in cases where the President shall not have made such appointment, the brigadier-general, or the president of the court, may make the same.

SEC. 22.[3] That where any commissioned officer shall be obliged to incur any extra expense in travelling, and sitting on general courts-martial, he shall be allowed a reasonable compensation for such extra expense, actually incurred, not exceeding $1.25 per day to officers who are not entitled to forage, and not exceeding $1 per day to such as shall be entitled to forage.

SEC. 23.[4] That no non-commissioned officer, musician, or private, shall be arrested, or subject to arrest, or to be taken in execution, for any debt under the sum of $20, contracted before enlistment, nor for any debt contracted after enlistment.

SEC. 24.[5] That, whenever any officer or soldier shall be discharged from the service, except by way of punishment for any offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of

[1] The 18th, 19th, and 20th sections supplied by the 16th, 17th, and 18th sections of the 8 Jan. 1812, chap. 14, and of the articles of war, 10 April, 1806, chap. 20.

[2] A judge-advocate is now appointed for the army, by the 2 March, 1849, chap. 83, sec. 4, and a judge-advocate general and judges-advocate for each army in the field, by act 17 July, 1862.

[3] This extra expense is again provided for by the 11 Jan. 1812, chap. 14, sec. 20.

[4] This exemption from arrest is re-enacted by the 11 Jan. 1812, chap. 14, sec. 21, and subsequent acts.

[5] This section is supplied by the 11 Jan. 1812, chap. 14, sec. 22, and subsequent acts.

time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day.

SEC. 25. That to each commissioned officer, who shall be deranged by virtue of this act, there shall be allowed and paid, in addition to the pay and emoluments to which they will be entitled by law at the time of their discharge, to each officer whose term of service in any military corps of the United States shall not have exceeded three years, three months' pay; to all other officers, so deranged, one month's pay of their grades, respectively, for each year of past service in the army of the United States, or in any regiment or corps now or formerly in the service thereof.

SEC. 26. That the President of the United States is hereby authorized and empowered, when he shall deem it expedient, to organize and[1] establish a corps of engineers, to consist of one engineer, with the pay, rank, and emoluments[2] of a major; two assistant engineers, with the pay, rank, and emoluments of captains; two other assistant engineers, with the pay, rank, and emoluments of first lieutenants: two other assistant engineers, with the pay, rank, and emoluments of second lieutenants; and ten cadets, with the pay of sixteen dollars per month, and two rations per day: and the President of the United States is, in like manner, authorized, when he shall deem it proper, to make such promotions in[3] the said corps, with a view to particular merit, and without regard to rank, so as not to exceed one colonel, one lieutenant-colonel, two majors, four captains, four first lieutenants, four second lieutenants, and so as that the number of the whole corps shall, at no time, exceed twenty officers and cadets.

SEC. 27.[4] That the said corps, when so organized, shall be stationed at West Point, in the State of New York, and shall constitute a military academy; and the engineers, assistant engineers, and cadets of the said corps, shall be subject, at all times, to do duty in such places, and on such service, as the President of the United States shall direct.

SEC. 28. That the principal engineer, and in his absence the

[1] See, for further organization and increase of, the 29 April, 1812, chap. 72, and the 5 July, 1838, chap. 162. It is recognized as it is now by the 2 March, 1821, chap. 13, and for salaries of professors, see the 3 March, 1851, ch. 22.

[2] For extra services of a civil nature to allow them extra compensation. 15 Peters, 337, Gratiot *vs.* The United States. And for pay of the engineer corps, see same case. 15 Peters, 337. As allowed to the officers of the regiment of dragoons, by the 5 July, 1838, chap. 162, sec. 2.

[3] The confining of the selection of the commander to the corps of engineers is repealed by the 29 April, 1812, chap. 72, sec. 6.

[4] And see 29 April, 1812, chap. 72, sec. 2.

next in rank, shall have the superintendence[1] of the said military academy, under the direction of the President of the United States; and the secretary of war is hereby authorized, at the public expense, under such regulations as shall be directed by the President of the United States, to procure the necessary books, implements, and apparatus for the use and benefit of the said institution.

SEC. 29. That so much of any act or acts now in force, as comes within the purview of this act, shall be, and the same is hereby, repealed; saving, nevertheless, such parts thereof as relate to the enlistments, or term of service, of any of the troops which by this act are continued on the present military establishment of the United States.

[*Approved, March* 16, 1802.]

CHAPTER 52.—Approved, May 3, 1802.—Vol. 2, p. 195.

An Act additional to and amendatory of "An Act entitled an Act concerning the District of Columbia."[2]

SEC. 13. That the President of the United States be authorized to cause the militia of the respective counties of Washington and Alexandria to be formed into regiments and other corps, conformably, as nearly as may be, to the laws of Maryland and Virginia, as they stood in force in the said counties, respectively, on the first Monday in December, in the year one thousand eight hundred; and that he appoint and commission, during pleasure, all such officers of the militia of the said District, as he may think proper; that he be authorized to call them into service, in like manner as the Executive of Maryland or Virginia were authorized in the counties of Washington and Alexandria, respectively, on the first Monday of December, one thousand eight hundred. And that such militia, when in actual service,

[1] See further of instructors, the 20 July, 1840, chap. 5, sec. 2, and for the pay of, see 3 March, 1851, chap. 22.
See 9 May, 1794, chap. 24; 30 May, 1796, chap. 39; 3 Mar. 1797, chap. 16; 2 Mar. 1799, chap. 27; 3 Mar. 1799, chap. 48; 12 Mar. 1808, chap. 43; 11 Jan. 1812, chap. 14; 24 April, 1816, chap. 69; 2 Mar. 1821, chap. 13.

[2] Chap. 15, 27 Feb. 1801.

be entitled to the same pay and emoluments as the militia of the United States, when called out by the President.

[*Approved, May* 3, 1802.]

CHAPTER 13.—Approved, Feb. 28, 1803.—Vol. 2, p. 206.

An Act in addition to an Act entitled "An Act fixing the military peace establishment of the United States."[1]

That there be added to the regiment of artillerists, two teachers of music, whose pay, rations, and clothing, shall be the same as is by law allowed to the teachers of music in the regiments of infantry in the service of the United States.

SEC. 2. That the President of the United States be, and he is hereby, authorized to appoint one teacher of the French language, and one teacher of drawing, to be attached to the corps of engineers, whose compensation shall not exceed the pay and emolument of a captain in the line of the army.

SEC. 3. That the commanding officer of the corps of engineers be authorized to enlist, for a term not less than three years, one artificer, and eighteen men, to aid in making practical experiments, and for other purposes; to receive the same pay, rations, and clothing, as are allowed to the artificers and privates in the army of the United States; and the same bounty when enlisted for five years, and to be subject to the rules and articles of war.[2]

SEC. 4.[3] That the President of the United States be, and he is hereby, authorized to allow to the paymaster of the army, the adjutant and inspector of the army, and the military agent at Philadelphia, such sums, not exceeding in the whole $3000, for clerk hire, as their respective duties may, in his opinion, reasonably require.

CHAPTER 15.—Approved, March 2, 1803.—Vol. 2, p. 207.

An Act in addition to an Act, entitled "An Act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States."[4]

1. The adjutant-general of the militia in each state, to make returns to the President annually, &c. The secretary of war to give directions to the adjutant-generals, &c., and lay an abstract before Congress annually. 2. Citizens duly enrolled in the militia, to be constantly provided with arms, &c., after being notified, &c. Notice to muster, according to the laws of a state, &c., deemed a legal notice of enrolment. 3. Quartermasters and chaplains to the militia, &c.

That it shall be the duty of the adjutant-general of the militia,

[1] Chap. 9, 16 March, 1802, *ante*.
[2] See 29 April, 1812, chap. 72, sec. 1.
[3] Superseded by subsequent provisions in the civil list.
[4] See act of May 8, 1792, chap. 33, *ante*.

in each state, to make return of the militia of the state to which he belongs, with their arms, accoutrements, and ammunition, agreeable to the directions of the act to which this is an addition, to the President of the United States, annually, on or before the first Monday in January, in each year: and it shall be the duty of the secretary of war, from time to time, to give such directions to the adjutant-generals of the militia, as shall, in his opinion, be necessary to produce an uniformity in the said returns, and he shall lay an abstract of the same before Congress on or before the first Monday of February, annually.

SEC. 2. That every citizen duly enrolled in the militia, shall be constantly provided with arms, accoutrements, and ammunition, agreeable to the direction of the said act, from and after he shall be duly notified of his enrolment; and any notice or warning to the citizens so enrolled, to attend a company, battalion, or regimental muster, or training, which shall be according to the laws of the state in which it is given for that purpose, shall be deemed a legal notice of his enrolment.

SEC. 3. That, in addition to the officers provided for by the said act, there shall be, to the militia of each state, one quartermaster-general, to each brigade one quartermaster of brigade, and to each regiment one chaplain.

[*Approved March* 2, 1803.]

CHAPTER 20.—Approved, March 3, 1803.—Vol. 2, p. 215.

An Act more effectually to provide for the organization of the Militia in the District of Columbia.[1]

1. Militia of District of Columbia may be organized by the President of the United States. 2. May appoint officers to cavalry, artillery, &c. Uniform, how to be provided. Conditions of enrolment. Whence he cannot withdraw, under a penalty of ten dollars. Legionary commanders—their duty. 3. Alterations in battalion and company districts, in what cases to be made. Militia districts—how designated. 4. Commanding officers of companies shall regulate duty, and how. Removal of militiamen, how to be notified. Certificates of service provided. Penalty on refusal of certificate. 5. Officers shall be sworn into office. Oath. Oath, how certified. 6. Who shall be enrolled in the militia. 7. Mode of proceeding against delinquents. General courts-martial, how constituted for superior

[1] See supplementary act, chap. 113, 1 July, 1812.

officers. Field-officers and staff. Their powers. Captains and subalterns. Brigade court-martial. Evidence, how to be obtained. Penalties. 8. Courts of inquiry. When and how held. Oath of members. Legionary courts of inquiry. Extraordinary inquiry court. Duties of courts of inquiry. May remit fines and exempt from duty. 9. Clerk and provost-marshal shall be appointed by ballot. List of fines to be kept, and by whom. 10. Fines incurred heretofore, how disposed of. 11. Musters, and at what periods. Muster of inspection in May. Legionary muster in October. Muster to continue one day only. Notice, how given, and when. Notices in writing to commanding officers. Penalty on omitting to give notice. Appearance at muster. Forms to be observed in returns. Returns to be certified. 12. Returns of companies, how and when made. Returns of legions. 13. Non-commissioned officers, appointment of. Neglect of duty, penalty on. 14. Officers to meet for training once a year. Training three days, eldest officer shall call the roll. Penalty on non-attendance. 15. Misconduct of officers, how treated. 16. Non-commissioned officers, how treated for misconduct. Penalty. 17. Spectators or bystanders interrupting or insulting, liable to punishment. Parade limits. 18. Officers on duty shall be in uniform. Penalty. 19. Brigade inspector. Legionary staff. Duties of brigade inspector. Penalty on neglect of duty. Adjutant, his duty. Penalty on neglect. 20. Delinquencies, forfeitures, and penalties on. Commanders of corps. Major's neglect. Captain's neglect. Subaltern's neglect. Non-commissioned officer's neglect. Penalties. 21. Fines of persons under age, how paid. 22. Legionary court of inquiry to appoint a collector, and when. Allowance of six per cent. Collector a defaulter, to be sued, and how. Fines not paid, how recoverable. Collector to give bond and security. 23. Fines to be a fund for salaries of officers, musicians, &c., also for furnishing the necessary equipage, &c. Paymaster of the legion shall settle his accounts once in three months. Shall give bond and security. Two and a half per centum allowed on disbursements. 24. President authorized to call forth the militia on an invasion, &c. And to appoint certain officers with pay. Militia when called forth, how governed. Courts-martial. Pay and rations of the militia. Power of the commanding officer of the district, in case of invasion or insurrection. 25. Arms, &c., always exempt from execution, and persons from civil arrests while in service. 26. Brigadier-generals may employ couriers. Their compensation. 27. Non-commissioned officers and privates of battalions shall on duty appear in uniforms, or be fined. 28. Courts of inquiry may bind young men and boys to learn military music. Their fathers exempt from militia duties. Courts of inquiry to provide for the musicians. Compensation. 29. Each commissioned officer to be furnished with the articles of war and militia law.

That it shall and may be lawful for the President of the United States, whenever an increase of the militia of the territory, or other circumstance, shall in his opinion make it necessary, to lay off the said militia into additional companies, battalions, regiments, or legions and brigades, and shall appoint and commission, during pleasure, the proper officers for the same.

SEC. 2. That the President of the United States shall, when

he may deem it necessary, appoint the proper officers, to compose at least one troop of cavalry, one company of artillery, one company of light infantry, and one company of grenadiers or riflemen, to each legion, which officers shall proceed by voluntary enlistment, within their legion, to complete their company or companies with the least possible delay, and every person belonging to the said companies shall wear, while on duty, such caps, or hats, and uniforms, to be purchased at their own expense, as the commanding officer of the brigade, to which they belong, shall determine on and direct; and the said companies shall perform the same routine of duty, and be subject to the same rules, regulations, penalties, and orders, as the rest of the militia; the President may, nevertheless, order them, or any of them, out on duty, as occasion, in his opinion, may require, by entire companies: that no person belonging to any battalion company, shall, under color of enlisting into any company, to be made up by voluntary enrolment, be excused from doing duty in the infantry, and in the company in which he had been enrolled, or might be enrolled, until he shall have equipped himself for service, in such volunteer company, according to law, and shall have produced a certificate thereof, from the commanding officer of such company, to the commanding officer of the battalion company, to which he did or might properly belong; and no person having enlisted in any volunteer company, shall be permitted to withdraw himself from the same, under the penalty of ten dollars, unless in case of removal from his legionary district, to be recovered as other fines imposed by this act, upon the evidence of the commanding officer of the company, from which he shall so withdraw; which commanding officer shall return all such cases to the first battalion court of inquiry, that shall sit thereafter. And the commanders of the respective legions shall direct by order, to the different commanders of battalions, to what battalions the different volunteer companies shall be attached and shall parade with on battalion duty; and shall direct how they shall be posted on legionary parades, unless differently ordered by the brigadier-general.

SEC. 3. That where any battalion or company districts, or alteration in districts actually laid off, may hereafter be found necessary, the commanding officers of legions shall assemble the commanding officers of battalions and companies at some fit

and convenient place, and may proceed to lay off or alter any such battalion or company districts, which districts shall in all cases be designated by certain lines and bounds, and recorded by the clerks of the respective courts of inquiry.

SEC. 4. That it shall be the duty of the commanding officers of the companies to proceed forthwith to divide their companies into divisions by ballot, from one to ten, for the purpose of a regular routine of duty when called into actual service, and to return a roster of each division, and its number or rotation, within fifteen days thereafter, to the commanding officer of his battalion, who shall forthwith transmit the same to the commanding officer of the regiment or legion, who shall direct the same to be recorded by the clerk of the court of inquiry. The same regulations shall be observed by every commanding officer of a company, battalion, and legion or regiment, on the subsequent enrolment of any person therein, unless such person shall produce a certificate of his having been before drawn for the above purpose, in which case he shall be enrolled accordingly; and any militiaman removing out of the bounds of one company into another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge, certifying the class wherein he was arranged, and whether he had performed his tour of duty or not, and also the time and date of such service, which certificate the said militiaman shall produce to the captain or commanding officer of the company into whose bounds he shall so have removed, within ten days after his settlement, and such officer is hereby required to enroll him in the numerical class specified therein, and every militiaman so removing, and failing to produce such certificate, shall be arranged and enrolled in the class destined to perform the next tour of duty; and if any captain or commanding officer of a company shall refuse to grant such certificate upon application to him made for that purpose, he shall for such refusal incur a penalty of thirty dollars, to be assessed and applied as other fines imposed by this act.

SEC. 5. That each and every officer appointed, or who may hereafter be appointed, and commissioned, in manner aforesaid, shall, previous to entering on the execution of his office, take the following oath, (to be administered by a justice of the peace, of the court of the county in which such officer resides,) to wit:

"I, , do swear that I will support the constitution of the United States, and faithfully discharge the duties of in the of the militia of the District of Columbia, to the best of my skill and judgment; so help me God." If the said oath be administered by a justice of the peace, it shall be his duty to certify the same to the court of his respective county, there to be entered of record by the clerk.

SEC. 6. That the commanding officers of companies shall enroll every able-bodied white male between the ages of eighteen and forty-five years, (except such as are exempt from military duty by the laws of the United States,) resident within his district; and that in all cases of doubt respecting the age of any person enrolled or intended to be enrolled in any company, the party questioned shall prove his age to the satisfaction of the legionary court of inquiry, within whose bounds he may reside; and it shall at all times hereafter be the duty of every such captain or commanding officer of a company, to enroll every such white male as aforesaid, and all those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty-five years, (except as before excepted,)[1] shall come to reside within his bounds, and shall, without delay, notify such person of the said enrolment, by a proper non-commissioned officer, by whom such notice may be proved.

SEC. 7. That the President of the United States, upon complaint for misconduct, lodged with the department of war, in writing, by any one or more commissioned officers, may at his discretion cause to be arrested, any major-general or brigadier-general, and order a court-martial to be composed of all the other general officers, field-officers, and captains, or so many of them (having regard to seniority) as shall amount to thirteen, in the militia of the territory; which court-martial shall proceed in the same way, and under the same restrictions, as is hereafter provided for the trial of field-officers. And any major-general or brigadier-general, for misconduct within their own knowledge, or upon complaint lodged in writing by any commissioned officer, shall have power to arrest any lieutenant-colonel com-

[1] For exempts see sec. 2, chap. 33, 8 May, 1792, and note *ante*.

mandant, aid-de-camp, brigade-inspector, and major, or any other inferior officer; and the commanding officer of the division or brigade, shall order a court-martial, for the trial of such lieutenant-colonel commandant, aid-de-camp, brigade-inspector, to be composed of one brigadier-general, and as many lieutenant-colonel commandants, majors, and captains, as shall make up a number not less than thirteen; and such courts-martial shall proceed to hear and determine on all offences under this act, and may censure or cashier such officer; which sentence shall be final, when approved by the President of the United States. And any brigadier-general, lieutenant-colonel commandant, or major, for misconduct in any captain or subaltern, within his own knowledge, or upon complaint lodged in writing by any commissioned officer, may arrest such captain or subaltern; and the brigadier or commanding officer of the brigade, shall order a brigade court-martial, for the trial of such captain or subaltern, to be composed of one or more field-officers, and a sufficient number of captains and subalterns, to make up a number not less than thirteen; and such courts-martial shall proceed to hear and determine on all offences under this act, and may censure or cashier any officer so tried; which sentence shall be final, when approved by the President of the United States. And for obtaining the necessary evidences for the trials aforesaid, the President of the United States, or the presiding officer of the court-martial, (as the case may be,) shall issue his summonses; and every person so summoned, failing to attend and to give evidence, shall be subject to, and may be tried by a court-martial; and if an officer, may, at the discretion of a court-martial, be cashiered, or fined, not exceeding six months' pay, as by law allowed; and if a non-commissioned officer or soldier, or a person not enrolled, to be reported to the court of inquiry of the regiment, or legion, to which he shall belong, or within whose bounds he shall reside, and be then subject to such fines and penalties as they may think proper to inflict, not exceeding forty dollars.

SEC. 8. That there shall be battalion courts of inquiry, to be appointed by the commanding officer of the battalion, for the assessment of fines incurred under this act, in such battalion; and such courts of inquiry shall be held in the months of May,

August,[1] and November, in each year, at some convenient place within the county, to consist of the commanding officer of the battalion, and the commanding officers of companies, which shall belong, or be attached to such battalion, or a majority of them, who shall take the following oath, to be administered by the presiding officer, and afterwards, by any other member of the court, to him. "I, , will truly and faithfully inquire into all delinquencies which appear on the returns, to be laid before me, and will assess the fines thereon, as shall seem just, without favor, partiality, or affection, so help me God." The presiding officer shall then lay before the said court, all the delinquencies, as directed by law, whereupon they shall proceed to hear and determine. And there shall, moreover, be legionary courts of inquiry, for the assessment of fines incurred by the officers of the legion, and for other duties, required by this act, such courts of inquiry shall be held by the appointment of the commanding officer of the legion, in not less than ten, and not more than twenty days, after the battalion courts of inquiry, in every year;[2] and, moreover, one legionary court extraordinary, shall be, in like manner, appointed, and held, during the month of March, in the present year, for the purpose of appointing the company musters of the year, and for appointing a clerk, provost-marshal, and collector, as hereinafter directed, and for other duties, by this act prescribed; the said legionary courts of inquiry to consist of the commanding officers of the legion, battalions, and companies, or a majority of them, who shall take an oath, in manner and form, as prescribed above; the commanding officer of the legion shall then lay before the said court, all delinquencies, directed by law, whereupon they shall proceed to hear and determine. It shall be the duty of the presiding officer, of every such court of inquiry, to return to the next legionary court of inquiry, all delinquent officers, failing to attend the preceding court, to be proceeded against according to law. The legionary court of inquiry may, for good cause shown, remit any fine imposed by the battalion court last preceding; the said court may also exempt any militiaman from duty, on account of bodily infirmity, and may again direct such person to be enrolled, when able to do duty.

[1] July instead of May and August by sec. 3 of chap. 113, 1 July, 1812, *post*.
[2] See sec. 3, chap. 113, 1 July, 1812.

SEC. 9. That the respective legionary courts of inquiry, shall annually appoint, by ballot, a clerk, and provost-marshal, who shall attend the courts hereinbefore directed to be held; the clerk shall keep a fair record of the proceedings of such courts, as also of the roster returned by the several captains or commanding officers of companies, for regular routine of duty, and shall make out for the collector, a fair list of all the fines assessed by the legionary and battalion courts, and one other list which shall be retained by the clerk, on which list the collector's receipts shall be taken; the said lists shall be made out and delivered to the collector in fifteen days after each legionary court of inquiry, and shall perform all other duties required by this act, and together with the provost-marshal, shall receive such allowance, to be paid out of the fines, as the legionary court shall think reasonable.

SEC. 10. That all fines incurred under the act of Congress, passed at their last session, empowering the President to organize the militia of the District of Columbia, and not then returned to the officers thereby authorized to collect the same, shall be returned to the first legionary court of inquiry which shall be held in the respective counties, to be by them proceeded with as in the case of fines by this act assessed.

SEC. 11. That there shall be a muster of each troop of cavalry and company of militia, comprehending the companies made up by voluntary enrolment, once in every month, except the months of[1] January, February, March, May, October, and December, in each year, to be appointed by the respective legionary courts of inquiry, at such places as may be deemed most convenient within the county, and that the time and place for the musters aforesaid, shall be fixed by the first legionary court of inquiry, which is held next after the passing of this act, subject to such changes as future legionary courts of inquiry may think proper; and there shall be a muster for exercise and inspection of each battalion, in the month of May, in every year, to be appointed by the commanding officer of the brigade to which such battalions respectively belong, at such places as he may think proper within the county. There shall also be a muster of each legion in the month of October, in each year, to

[1] July, August, and November also excepted by sec. 2, chap. 113, 1 July, 1812.

be appointed by the commanding officer of the brigade to which such legion belongs, at such place as he may think most convenient within the legionary district; which said company, battalion, and legionary musters, shall continue one day, and no longer; the time and place of such legionary, company, and battalion musters, shall be notified to the commanding officers of legions, thirty days previous thereto; the commanding officers of legions shall give notice to the commanding officers of battalions, of such brigade, legionary, companies, and battalion musters, at least twenty days; the commanding officers of battalions, to the commanding officers of companies, at least fifteen days; and the commanding officers of companies to their sergeants, at least ten days; and the sergeants to each person in his company, at least three days before such musters, respectively; the notices to be given by the commanding officers of brigades, legions, battalions, and companies, shall be in writing, delivered to each person to be notified, or left at his usual place of abode, and every sergeant failing to give notice, agreeable to the orders of the commanding officer of his company, to each person therein, shall forfeit and pay for each and every offence, five dollars, to be assessed and recovered as other fines imposed by this act; nevertheless all notices publicly given by the commanding officers of companies, at their respective musters, of any subsequent muster, shall be held and deemed as legal notice, as to all persons present at such musters. Every officer and soldier shall appear at his respective muster field, on the day appointed, by ten o'clock in the forenoon, armed and equipped. At every muster, the commanding officer of the company shall cause his roll to be called, and shall examine every person belonging thereto, and note down all the delinquencies accruing therein, and shall personally inspect the arms, ammunition, and accoutrements, of all under his command, and make accurate return of the whole thereof, to the commanding officer of his battalion, in five days thereafter; and moreover, it shall be the duty of the commanding officers of companies, to have their companies respectively prepared, at the battalion musters, for inspection, by means of returns, the forms of which to be furnished them by the brigade-inspector, through the commanding officers of the legion and battalion, to which they respectively belong, which returns shall be filed, ready to be delivered to the

inspector, as he shall commence the inspection of each company. And the commanding officers of legions and battalions shall, at their respective legionary and battalion musters, (as the case may be,) take notice of all delinquent officers, and shall lay the same, together with returns of delinquencies, from the commanding officers of companies, before the courts of inquiry, appointed under this act to take cognizance of and determine on them: and to each of the said returns shall be annexed the following certificate, to wit: "I, , do certify, that the returns hereunto annexed contain all the delinquencies which have occurred since my last return, having duly examined the same."

SEC. 12. That every commanding officer of a company shall, within five days after every battalion and legionary muster, make up and report to the commanding officer of his battalion, a return of his company, in such manner and form as shall be furnished by the adjutant, from time to time: it shall be the duty of commanding officers of battalions, to make like returns to the commanding officers of legions, within five days thereafter, who shall cause the adjutant of his legion to make legionary returns to the brigade-inspector, within ten days thereafter.

SEC. 13. That each captain or commanding officer of a company, shall appoint to his company, four sergeants, four corporals, a drummer, and fifer, to be approved of by the commanding officer of his battalion; the appointment of such non-commissioned officers to be evidenced by warrant under the hand of the commanding officer of the battalion; and if any person so appointed and approved of, and having accepted, shall refuse or neglect to take upon him the duties of his appointment, or shall neglect or refuse to obey the orders of his superior officer, he shall for each offence forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars, to be assessed and applied as other fines imposed by this act; and the commanding officers of battalions shall have power to reduce to the ranks any non-commissioned officer whom, on complaint made and due notice given, he shall find guilty of misconduct, or neglect of duty.

SEC. 14. That the commissioned officers of the several legions, shall meet once in every year, within their respective legionary districts, for the purpose of being trained and instructed by the brigade-inspector; the days and places of meeting to be fixed on by the commanding officer of the brigade to which the

legions belong; the officers thus assembled, shall each continue three days, and no longer; every time they are so called out, the eldest officer present shall call the roll on each day, and report the delinquencies to the succeeding legionary court of inquiry, and every officer failing to attend such meeting, on being summoned, not having a reasonable excuse, to be adjudged of by the court of inquiry, shall forfeit and pay, for each day he shall fail so to attend, ten dollars, to be appropriated as other fines are by this act.

SEC. 15. That any officer who shall be guilty of disobedience, or other misbehavior, when on duty, or shall at any time be guilty of any conduct unbecoming the character of an officer, shall be put under arrest by his commanding officer, and tried as by this act is directed.

SEC. 16. That if any non-commissioned officer or soldier, shall behave himself disobediently, or mutinously, when on duty, or before any court or board, directed by this act to be held, or shall leave the ranks without permission of his officer, on any occasion of parading the company to which he belongs, or appear drunk, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow-soldiers, the court or board may confine him for the day, or he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, as the case may be. And he shall, moreover, be fined at the discretion of the court of inquiry, in any sum not exceeding ten dollars, nor less than one dollar, to be appropriated as other fines imposed by this act.

SEC. 17. That if any bystander shall interrupt, molest, or insult any officer, or soldier, while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer, or such court or board, may cause him to be confined for the day. And that the commanding officer of each brigade, legion, battalion, or company, shall have power to fix certain limits to their respective parades, within which no spectator or bystander shall enter, without permission from the commanding officer, and if any person shall intrude or offend, he shall be liable to be confined during the day, in such manner as the commanding officer shall direct.

SEC. 18. That all commissioned officers are required to appear

in full uniform when on duty, and on failure, shall forfeit and pay five dollars for each offence, to be assessed and appropriated as other fines imposed by this act.

SEC. 19. That a brigade-inspector, to act as brigade-major, and be commissioned with the rank of major, shall be appointed by the President of the United States: and the lieutenant-colonel commandants are hereby authorized to appoint a legionary staff, to consist of one adjutant, one quartermaster, one paymaster, to be taken from the officers of the line, and one surgeon, one surgeon's mate, and also, one sergeant-major, one quartermaster's sergeant, one drum-major, and one fife-major, which appointments shall be evidenced by warrants under the hand of the lieutenant-colonel commandant, and it shall be the duty of the brigade-inspector, to attend the brigadier-general when required, to receive and execute all orders necessary to carry into effect the provisions of this law, and to attend the annual training of the officers, and at the several legionary and battalion musters, and he shall inspect the several battalions belonging to his brigade, at their respective musters, and he shall take an accurate account, from personal inspection, of the quality of the arms and accoutrements, and whether the same are fit or unfit for service, and shall ascertain with precision the bores of muskets; and shall make annual returns in the month of June, of each year, of the state of the militia of the brigade to which he belongs, to the commanding officer of the brigade, to be by him reported to the President of the United States, and upon refusal or neglect, he shall be subject to a fine of thirty dollars, unless he can make a reasonable excuse to the commanding officer of the brigade. And it shall be the duty of the adjutant to attend and execute the orders of the commanding officer of his legion, necessary to carry into effect the provisions of this law, and to attend the legionary and battalion musters, as also the meeting of the officers within his legion, and upon refusal or neglect, he shall be subject to a fine not exceeding fifteen dollars, nor less than five dollars, at the discretion of the legionary court of inquiry, unless he can make a reasonable excuse to the commanding officer of his legion; and it shall further be the duty of the adjutant to assist generally in the necessary training of the militia, and he, together with the brigade-inspector, shall be allowed such compensation as the legionary courts of inquiry

may, from time to time, think reasonable, to be paid out of the funds arising from fines.

SEC. 20. That the following forfeitures and penalties shall be incurred for delinquencies, viz. By a lieutenant-colonel commandant, or commanding officer of a legion, for failing to take an oath to summon any court or board, or failing to give notice of a brigade, legionary, or battalion muster, to report delinquencies, to make returns of his legion, shall, for each and every such offence or neglect, forfeit and pay a sum not exceeding seventy dollars; for failing to send into service any militia legally called for, three hundred dollars. By a major, for failing to take an oath, to attend any court or board, to give notice of any brigade, legionary, or battalion muster, to examine his battalion, to report delinquencies, or to make any return, he shall forfeit and pay for each offence and neglect, a sum not exceeding thirty dollars; for failing to call forth his battalion with due dispatch, any detachment of men or officers as shall be required from time to time by the commanding officer of his legion, or any call from the President of the United States, one hundred and fifty dollars. By a captain, for failing to take an oath, to attend any court, to enroll his men, to give notice of a brigade, legionary, or battalion muster, to attend any muster armed, to cause his roll to be called, examine his company and report delinquencies, or to allot his company into divisions, from one to ten, for a regular routine of duty, or to make any return as directed by this act, he shall forfeit and pay for each and every offence and neglect, a sum not exceeding twenty dollars; failing to call forth such officers and men, as shall from time to time be legally called from his company, upon any call from the President of the United States, or failing on such occasions to repair to the place of rendezvous, he shall forfeit and pay seventy-five dollars. By a subaltern officer, for failing to take an oath, to attend any court or muster, armed as directed, for each and every such offence he shall forfeit and pay a sum, at the discretion of the court of inquiry, not exceeding ten dollars; failing to repair to the place of rendezvous, armed as required, when ordered upon any call from the President, he shall forfeit and pay fifty dollars, to be adjudged of and determined by the respective legionary courts of inquiry. By a non-commissioned officer or soldier, for failing to repair to his ren-

dezvous when ordered upon any call from the President, he shall forfeit and pay a sum not exceeding fifty dollars, to be adjudged of and determined by the respective battalion courts of inquiry, and moreover shall be enrolled in the class destined to perform the next tour of duty: all officers failing as before mentioned, shall be subject to be arrested, tried, censured, or cashiered, at the discretion of the battalion courts of inquiry. Any non-commissioned officer or soldier failing to attend at his brigade, legionary, battalion, or company muster, armed and equipped as the law directs, shall forfeit and pay a sum not less than seventy-five cents, nor more than five dollars, at the discretion of the battalion courts of inquiry. If any non-commissioned officer or private shall be returned as a delinquent in not appearing, armed and accoutred as the law directs, the court of inquiry before whom the same shall be tried, may, if it appear reasonable, remit the fine incurred by him, provided every such delinquent shall make it appear that he was unable to procure the legal equipment. Any private at or near the muster ground at any legionary, battalion, or company muster, who shall refuse or neglect to go into the ranks when required, shall forfeit and pay ten dollars.

SEC. 21. That the fines and penalties incurred by infants and apprentices, for the breach or neglect of their duty, in any particular service, by law required of them, shall be paid by the parent, guardian, or master.

SEC. 22.[1] That the legionary court of inquiry shall, at their first meeting in each year, appoint by ballot, a collector, who shall proceed to collect all fines assessed by virtue of this act, as also all fines incurred under the act of Congress, at their last session, empowering the President to organize the militia of the District of Columbia, not previously sent out for collection, upon a list thereof, certified by the clerk of the court of inquiry, and delivered to him in sixteen days after each legionary court of inquiry, who shall give his receipt therefor, and having deducted a commission of six per centum, shall account for, and pay the residue into the hands of the paymaster, in three months thereafter, and in case of default, to be recovered against the collector, by motion, in any court of record within said district, ten days' notice of such motion being given to the collector, at the first legionary or regimental court of inquiry, after the time before limited, for accounting and paying to the paymaster as aforesaid, the fines collected by the collector; he shall make return, and report to said court of inquiry, of such fines as cannot be collected, by reason of the insolvency or want of effects of the delinquent or delinquents; and if the said collector shall fail to account for, and pay into the hands of the paymaster as aforesaid, in the

[1] This sec. is repealed by sec. 2, chap. 113, 1 July, 1812, *post*.

time limited as aforesaid, all the residue of the fines by him collected as aforesaid, the whole amount of such fines, including his commission, shall be recovered against him, by motion, in any court of record within this district, ten days' previous notice of such motion being given to said collector, and if such collector shall fail to make return and report as aforesaid, of such fines as he shall be unable to collect by reason of the causes aforesaid, or shall make a false return and report of the same, the whole amount of the same shall be recovered of said collector, in like manner as if he had actually collected the same. And should any person so charged with fines, fail to make payment when called on, the collector is hereby authorized to make distress and sale therefor. The collector shall immediately after his appointment, and before he shall proceed to his collection, give bond and security for the faithful performance of his duty, in such penalty as the court of inquiry may think proper.

SEC. 23. That the fines thus paid into the hands of the paymaster by virtue of this act, shall be held as a fund for defraying the salaries of the officers and other persons herein mentioned, and the maintenance and instruction and pay of musicians, and of equipping and furnishing the militia with standards and musical instruments, and uniforms in certain cases, with every other thing necessary; to be adjudged and determined by the legionary courts of inquiry; and all accounts passed by the said court, and certified by the lieutenant-colonel commandant, shall be sufficient to authorize the paymaster to pay the same; the paymaster shall keep a regular account of all moneys received and disbursed by him on account of the legion, and shall once in every three months render his accounts, and settle with the court of inquiry. The paymaster shall give bond and security, to be approved of by the court of inquiry, for the faithful performance of his duty, and shall be subject to the same mode of recovery for delinquency as is herein prescribed in the case of a delinquent collector, and shall be allowed a commission of two and an half per centum on the several sums by him disbursed.

SEC. 24. That the President of the United States be authorized and empowered, on an invasion, or insurrection, or probable prospect thereof, to call forth such a number of militia, and from such county, and in such a manner, whether by routine of duty or otherwise, as he may deem proper; and for the accommodation, equipment, and support of the militia so at any time to be called forth, the President of the United States may appoint such quartermasters, commissaries, and other staff, as to him shall seem proper, and to fix their pay and allowances,

and shall also take such measures for procuring, transporting, and issuing all orders which may be necessary. Orders for the militia to be called forth as aforesaid, shall be sent to the commanding officer of the District of Columbia, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers, by detail and rotation of duty or otherwise, as he may be ordered. Whenever any militia shall be called forth into actual service as aforesaid, they shall be governed by the articles of war, which govern the troops of the United States. And courts-martial shall be held as therein are directed, to be composed of militia officers only, for the trial of any person, in the militia, but to the cashiering of any officer, or capital punishment of any person, the approbation of the President of the United States shall be necessary; and when any militia shall be in actual service, they shall be allowed the same pay and rations as are allowed to the militia of the United States. If a sudden invasion shall be made into either county in this district, or in case of an insurrection in either county, the commanding officer of the militia of the district, or of such county, is hereby authorized and required to order out the whole or such part of the militia, as he may think necessary, and in such manner as he may think best, for repelling or suppressing such invasion or insurrection; and shall call on the commanding officers of the adjacent counties for such aid as he may think necessary, who shall forthwith and in like manner furnish the same; and in the event of any militia ordered out by a commanding officer of the county, or of the district as herein authorized, such officer shall immediately notify the same, and the cause thereof, to the commanding officer of the district, or to the President of the United States, as the case may require.

SEC. 25. That all arms, ammunition, and equipments of militia, shall be exempted from executions and distress at all times, and their persons from arrests and process in civil cases, while going to, continuing at, or returning from musters, and while in actual service.

SEC. 26. That the brigadier-generals are hereby empowered and authorized to employ some person within their respective districts, to convey all orders from them to the commanding officers of corps, respecting the militia of the District of Colum-

bia, who shall be exempt from all other militia duty, and shall receive such compensation, as the legionary court of inquiry, in which district such orders may from time to time be delivered, shall think proper, on his producing to the court a certificate of his having discharged the said service.

SEC. 27. That all non-commissioned officers and privates, belonging to battalion companies, shall appear, while on duty, uniformly clothed, the color and fashion of which uniforms to be determined on for the respective legions, by the first legionary courts of inquiry which shall be held, and to be approved of by the brigadier-general, provided the expense of the same, additional to that of usual, ordinary, and cheap clothing, does not exceed five dollars for each person; and every such non-commissioned officer, or drummer, or fifer, or private, appearing at any muster held after three months from the time that such uniforms shall have been determined on, and the order relative thereto shall have been published in some newspaper within the legionary district, and not wearing the same, shall be fined five dollars for each offence; unless he can make it appear to the satisfaction of the court of inquiry of the battalion to which he may belong, that he was unable to equip himself.

SEC. 28. That the respective courts of inquiry shall have power to cause to be bound for a term of years, to the several commandants of companies, battalions, and legions, and their successors in office, as the case may require, such number of boys and young men, with the consent of their parent or other person authorized, as they in their discretion may deem proper, for the purpose of being instructed in the different branches of military music, and of serving as musicians when they may be competent thereto, to the several companies, battalions, and legions; and the father of any youth who may be so bound, otherwise subject to be enrolled, shall be exempt from all duty in the militia, so long as his son so bound may continue to serve in the corps to which he would otherwise belong, as well during his apprenticeship as thereafter; and the several legionary courts of inquiry shall make provision from time to time for the clothing, maintenance, and the properly instructing all such youths, to be paid from the fund arising from the fines imposed by this act; and the commanding officers of legions shall cause the drummers and fifers and other musicians of their respective

legions, to meet at the same times and places that commissioned officers are required to meet, for the purpose of being trained by the brigade inspector, or other officer, there to be instructed in their respective branches of music, for which purpose the commanding officer of the legion may employ such person or persons as he may think proper and capable to instruct such drummers and fifers, and other musicians. The person so to be employed by the commanding officer of the legion, to be allowed such compensation as the legionary court of inquiry may authorize, and each drummer and fifer, and other musician, unless an apprentice, shall be allowed, during the time they are convened, one dollar per day, to be paid out of the funds arising from fines.

Sec. 29. That the secretary of war shall cause a sufficient number of copies of this law, together with the act of Congress, more effectually to provide for the national defence, by establishing an uniform militia throughout the United States;[1] and the act of Congress for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;[2] and the articles of war;[3] to be printed and distributed throughout the territory of Columbia, so that every general and field officer therein, and every brigade inspector and captain, be furnished with one copy each.[4]

[*Approved, March* 3, 1803.]

[1] Chap. 33, 8 May, 1792, *ante*. [2] Chap. 36, 28 Feb. 1795, *ante*.
[3] Chap. 20, 10 April, 1806, *post*.
[4] Instead of printing and distributing the three acts, as required by this section, it has been the custom of the War Department to distribute to the officers therein named copies of the "Military Laws," in the same manner that they are from time to time delivered to all the officers of the army.
The Army Register is annually published, in obedience to resolutions of the Senate and House of Representatives.

CHAPTER 32.—Approved, March 3, 1803.—Vol. 2, p. 241.

An Act directing a detachment from the militia of the United States, and for erecting certain arsenals.[1]

That the President of the United States be, and he is hereby, authorized, whenever he shall judge it expedient, to require of the executives of such of the states as he may deem expedient, and from their local situation shall be most convenient, to take effectual measures to organize, arm, and equip, according to law, and hold in readiness to march at a moment's warning, a detachment of militia not exceeding eighty thousand, officers included.

SEC. 2. That the President, if he judges it expedient, authorize the executives of the several states to accept, as part of the detachment aforesaid, any corps of volunteers who shall engage to continue in service for such time, not exceeding twelve months, and perform such services as shall be prescribed by law.

SEC. 3. That the detachments of militia and volunteer corps as aforesaid, shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in each state, respectively; the President of the United States apportioning the general officers among the respective states as he may deem proper.

SEC. 4. That $1,500,000 be appropriated for paying and subsisting such part of the troops aforesaid, whose actual service may be wanted; for the purchase of ordnance and other military stores; and for defraying such other expenses as, during the recess of Congress, the President may deem necessary for the security of the territory of the United States: to be applied, under the direction of the President, out of any money in the treasury not otherwise appropriated.

SEC. 5. That $25,000 be appropriated for erecting, at such place or places near the western waters as the President may judge most proper, one or more arsenals; and that the President cause the same to be furnished with such arms, ammunition, and military stores as he may deem necessary.

CHAPTER 39.—Approved, March 26, 1804.—Vol. 2, p. 290.

An Act in addition to "An Act for fixing the Military Peace Establishment of the United States."[2]

That there shall be appointed, in addition to the surgeon's mates provided for by the "Act fixing the military peace establishment of the United

[1] 16 March, 1802, chap. 9.

[2] Repealed and supplied by chap. 32, 18 April, 1806, sec. 7. See also chap. 39, 30 March, 1808, and chap. 55, 10 April, 1812.

States," as many surgeon's mates, not exceeding six,[1] as the President of the United States may judge necessary, to be attached to garrisons or posts, agreeably to the provisions of the said act.

SEC. 2. That an equivalent in malt liquor, or low wines, may be supplied the troops of the United States, instead of the rum, whiskey, or brandy which by the said act is made a component part of a ration, at such posts and garrisons, and at such seasons of the year, as, in the opinion of the President of the United States, may be necessary for the preservation of their health.[2]

[*Approved, March* 26, 1804.]

CHAPTER 20.—Approved, April 10, 1806.—Vol. 2, p. 259.

An Act for establishing rules and articles for the government of the armies of the United States.[3]

SEC. 1. Rules and articles by which the armies of the United States are to be governed after the passing of this act. ART. 1. Every officer to subscribe these rules and regulations. 2. Officers and soldiers diligently to attend divine service, and behave decently and reverently, under pain of reprimand, fine, &c. 3. Reprimand, fine, &c., for using profane oaths, or execrations, &c. 4. Chaplains absenting themselves, except, &c., liable to fine or discharge, &c. 5. Officers using contemptuous words against the President, Vice-President, Congress, &c., to be cashiered, &c., and non-commissioned officers and soldiers to suffer punishment by sentence of a court-martial. 6. Officers or soldiers behaving with disrespect towards commanding officers, to be punished by judgment of court-martial. 7. Death, &c., for beginning or exciting mutiny, &c. 8. Officers or soldiers present at a mutiny, and not endeavoring to suppress it, &c., to be punished with death, or otherwise, &c. 9. Officers or soldiers striking a superior, &c., to suffer death, or other punishment, &c. 10. Non-commissioned officers and soldiers to have the articles for the government of the armies read to them, and take an oath, &c. The justice, &c., to give a certificate that the oath was taken. 11. Non-commissioned officers and soldiers not to be dismissed the service without a discharge in writing. No discharge sufficient unless signed by a field officer, &c. No discharge, &c., before the term of service has expired, but by order of the President, &c. Commissioned officers not to be discharged the service, but by order of the President, &c. 12. Colonels, &c., quartered with their regiments, &c., may give furloughs to non-commissioned officers or soldiers, &c. Captains, &c., commanding, &c., may give furloughs to non-commissioned officers or soldiers, for 20 days in six months, but not, &c. 13. At every muster the commanding officer, &c., to give to the com-

[1] Twenty-five authorized by original act.

[2] See original act, sec. 6, and chap. 14, sec. 8, 11 Jan. 1812; and for sugar and coffee, see 5 July, 1838, chap. 162, sec. 17, and sec. 4, chap. 163, 21 June, 1860; and see sec. 8, chap. 61, 14 April, 1818, and sec. 13, chap. 4, 3 Aug. 1861.

[3] These rules and articles, with the exceptions indicated by the notes at foot, remain unaltered and in force at present.

missary of musters, certificates, &c., signifying how long officers not appearing have been absent, and the reason of it. Commanding officers of troops or companies to give certificates of the absence of privates, &c. The certificates, &c., to be remitted to the department of war, &c. 14. Officers convicted of having signed false certificates, &c., to be cashiered. 15. Officers making false musters, or signing false muster rolls, &c., to be cashiered and disabled to hold any office, &c. 16. Commissaries of musters, &c., convicted of taking money, or other gratification, on mustering, or signing muster rolls, to be displaced, &c. 17. Officers mustering persons as soldiers, who are not soldiers, deemed guilty of a false muster, &c. 18. Officers making false returns to the department of war, &c., to be cashiered. 19. Commanding officers of regiments, &c., to remit in the beginning of every month, to the department of war, an exact return of the regiment, &c., specifying the names of officers absent, &c. Officers neglecting to send returns, to be punished, &c. 20. Officers and soldiers convicted of desertion, &c., to suffer death or other punishment, &c. 21. Non-commissioned officers or soldiers absenting themselves without leave, to be punished, &c. 22. Non-commissioned officers or soldiers not to enlist in any other regiment, &c., without a regular discharge, &c. Officers knowingly receiving deserters, &c., or not giving notice, &c., to be cashiered. 23. Officers or soldiers persuading others to desert, to suffer death or other punishment, &c. 24. Officers or soldiers using reproachful or provoking speeches, &c., to be put in arrest, or confined, &c. 25. Officers and soldiers neither to send nor accept challenges, on pain of being cashiered, or of suffering corporeal punishment, &c. 26. Officers commanding guards, knowingly suffering persons to go forth to fight duels, to be punished as challengers; and seconds, &c., to be deemed principals, &c. Every officer commanding an army, regiment, &c., knowing to a challenge being given, &c., to arrest and bring offenders to a trial, &c. 27. All officers have power to quell quarrels, frays, &c. Whoever refuses to obey, &c., to be punished, &c. 28. Officers or soldiers upbraiding another for refusing a challenge, to be punished as challengers, &c. 29. Sutlers not permitted to sell liquors, &c., after nine at night, nor before beating of reveille, nor on Sundays during divine service, &c. 30. Commanding officers to see that sutlers supply the soldiers with wholesome provisions, &c. 31. Officers commanding in garrisons, forts, &c., not to exact exorbitant prices for houses, &c., let out to sutlers, nor be interested in the sale of victuals, liquors, &c., on penalty of being discharged. 32. Commanding officers to keep good order, redress abuses, and see reparation made to the parties injured, &c. 33. When any commissioned officer or soldier is accused of a capital crime, or of having committed any offence against the persons or property of citizens, &c., the commanding officers, &c., are required upon application, &c., to use their utmost endeavors to deliver the accused to the civil magistrate, &c. If any commanding officer, &c., neglects or refuses to deliver over the accused, &c., he is to be cashiered. 34. If any officer think himself wronged by his colonel, &c., and, upon application, is refused redress, he may complain to the general, who is to examine into the complaint, &c. 35. If any inferior officer or soldier think himself wronged by his captain, &c., he is to complain to the commanding officer of the regiment, who is required to summon a regimental court-martial, appeal, &c. If the appeal appear vexatious, the person appealing may be punished, &c. 36. Commissioned officers, storekeepers, &c., convicted of having sold without a proper order, &c., any provisions, forage, arms, &c., or negligently suffered any of them to be spoiled,

&c., to make good the loss, forfeit pay, &c. 37. Non-commissioned officers or soldiers convicted of having sold or wasted ammunition, &c., to be punished. 38. Non-commissioned officers or soldiers convicted of having sold, lost, or spoiled their horses, arms, clothes, &c., to undergo weekly stoppages of pay, &c. 39. Officers convicted of embezzlement or misapplication of money entrusted to them for the payment of men, &c., to be cashiered, and compelled to refund; if non-commissioned officers, to be reduced, &c. 40. Every captain of a troop or company accountable for the arms, accoutrements, &c., belonging to the company or troop, &c. 41. Non-commissioned officers and soldiers found one mile from camp without leave in writing, &c., to suffer punishment, &c. 42. No officer or soldier to lie out of quarters, &c., without leave, &c. 43. Non-commissioned officers and soldiers to retire to their tents at the beating of the retreat, &c. 44. No officer or soldier to fail in repairing to the place of parade, if not prevented by sickness, &c., nor leave it before being regularly dismissed, &c. 45. Any commissioned officer found drunk on guard, &c., to be cashiered; and soldiers, &c., in that case, to suffer corporeal punishment, &c. 46. Sentinels sleeping on their posts, &c., to suffer death, &c. 47. No soldier to hire another to do his duty for him, or be excused but in cases of sickness, &c. 48. Non-commissioned officers conniving at hiring of duty, to be reduced, and commissioned officers, knowing and allowing it, to be punished, &c. 49. Any officer who occasions false alarms in camp, &c., to suffer death, or other punishment. 50. Officers or soldiers, without urgent necessity or leave, quitting guard, &c., to be punished, &c. 51. Officers and soldiers not to do violence to persons bringing provisions to camp, &c., out of the United States, on pain of death, &c. 52. Officers or soldiers who misbehave before the enemy, run away, &c., to suffer death, or other punishment, &c. 53. Persons belonging to the armies making known the watchword, &c., to suffer death, or other punishment. 54. Officers and soldiers to behave orderly in quarters, &c., and such as commit waste, &c., unless by order of the commander-in-chief, &c., to be punished, &c. 55. Whosoever, in foreign parts, forces a safeguard, is to suffer death. 56. Whosoever relieves the enemy with money, victuals, &c., is to suffer death, or other punishment, &c. 57. Death, or other punishment, &c., for holding correspondence with or giving intelligence to the enemy, &c. 58. Public stores taken in the enemy's camp, &c., to be secured for the service of the United States, &c. 59. Death, &c., for the officers and soldiers of any garrison, &c., compelling a commander to give up to the enemy, &c. 60. Sutlers and retainers subject to orders, &c. 61. Officers having brevets or commissions of a prior date to those of the regiment in which they serve, may take place, &c., according to the ranks given them, &c. 62. If, upon marches, &c., different corps happen to join, &c., the officer highest in rank, &c., to command, unless, &c. 63. Engineers not to assume, nor be subject to, any duty beyond the line of their immediate profession, except, &c. 64. General courts-martial may consist of any number of commissioned officers, from 5 to 13, &c. 65. General officers, or colonels, commanding, &c., may appoint general courts-martial, &c. No sentence of a court-martial to be carried into execution until the proceedings have been laid before the officer ordering it, &c. No sentence of a general court-martial, in time of peace, extending to loss of life, &c., or which, in peace or war, respects a general officer, to be carried into execution until the proceedings have been laid before the President, &c. 66. Officers commanding regiments or corps, may appoint courts-martial, &c., for offences not capital. Officers commanding gar-

risons, &c., may assemble courts-martial, &c. 67. No garrison or regimental court-martial empowered to try capital cases, &c. 68. Whenever convenient, &c., the officers of marines shall be associated with officers of the land force, for holding courts-martial, &c. 69. The judge-advocate, &c., to prosecute in the name of the United States, but shall consider himself counsel for the prisoner, so far, &c. The judge-advocate to administer an oath to each member of the court, &c. Form of the oath. The President of the court to administer an oath to the judge-advocate. Form of the judge-advocate's oath. 70. When a prisoner, from obstinacy, &c., stands mute, &c., the court may proceed to trial, &c. 71. When a member is challenged by a prisoner, he must state the cause, &c. 72. Members to behave with decency; and the youngest in commission to vote first. 73. Witnesses to be examined on oath. Form of the oath of a witness. 74. In cases not capital, &c., depositions may be taken, and read, &c., provided the prosecutor and accused are present, &c. 75. No officer to be tried but by a general court-martial, &c. No proceedings except between eight and three, unless, &c. 76. No person to use menacing words or gestures, &c., in presence of a court-martial, &c. 77. When an officer is charged with a crime, he is to be arrested, deprived of his sword, &c. 78. Non-commissioned officers and soldiers charged with crimes to be confined until tried, &c. 79. Officers and soldiers in arrest not to continue in confinement more than eight days, &c. 80. No officer commanding a guard, &c., to refuse to receive a prisoner, provided, &c. 81. No officer commanding a guard, &c., to release any person committed to his charge, &c. 82. Officers to whom prisoners are committed, to make report, &c., within twenty-four hours, of their names, crimes, &c. 83. Commissioned officers convicted, &c., of conduct unbecoming an officer, &c., to be dismissed, &c. 84. In cases where a court-martial suspends an officer from command, they are empowered to suspend his pay and emoluments, &c. 85. Where a commissioned officer is cashiered for cowardice or fraud, the crime, name, &c., of the delinquent, to be published, in the newspapers, &c. 86. Where the number of officers is not adequate to form a general court-martial, the commanding officer of the detachment, &c., to report to the commanding officer of the department, &c. 87. No person to be sentenced to death, but by the concurrence of two-thirds of the members of a general court-martial, &c., nor more than fifty lashes to be inflicted. 88. No person liable to be tried and punished by a general court-martial for any offence committed more than two years before, unless, &c. 89. Every officer authorized to order a general court-martial, empowered to pardon or mitigate any punishment, &c., except, &c. The colonel, &c., of a regiment or garrison, &c., may pardon or mitigate, &c. 90. Judge-advocates, &c., to transmit, as expeditiously as possible, the original proceedings and sentences of general courts-martial to the secretary of war, in whose office they shall be preserved. The party tried by a general court-martial entitled to a copy of the sentence, &c. 91. Where the general, &c., may order a court of inquiry, &c., the court to consist of not exceeding three, and a judge-advocate, &c., to be sworn, &c. Courts of inquiry to have the same powers as courts-martial to summon witnesses, &c., but are not to give an opinion unless specially required, &c. 92. Proceedings of courts of inquiry to be authenticated by the signatures of the recorder and president, &c., and may be admitted as evidence by courts-martial in cases not capital, &c., provided, &c. Courts of inquiry prohibited unless directed by the President, &c. 93. The judge-advocate, &c., to administer an oath to the members. Form of the oath. The pre-

sident of the court to administer an oath to the judge-advocate. Form of judge-advocate's oath. Witnesses to take the oath, &c. 94. When a commissioned officer dies, &c., the major of the regiment, &c., is immediately to secure all his effects, &c., make an inventory, and transmit it to the war department, &c. 95. When a non-commissioned officer or soldier dies, &c., the commanding officer of the troop, &c., is to take an account of what effects he died possessed of, &c., and transmit it to the department of war, &c., and the effects to be accounted for, &c. In case officers authorized to take care of the effects of deceased officers and soldiers have occasion to leave the regiment, &c., they are to deposit the effects in the hands of the commanding officer, &c. 96. Officers, &c., in the corps of engineers, &c., to be governed by the preceding rules, &c. 97. Officers and soldiers of any troops, militia or others, being mustered, &c., when acting with regular forces, to be governed by these rules and articles, subject to be tried by courts-martial, &c., save that the courts are to be composed of militia officers. 98. Officers serving by commission from the authority of any particular state, when employed in conjunction with the regular forces, to take rank next after all officers of like grade in the regular forces, &c. 99. All crimes not capital, and all disorders and neglects, &c., though not mentioned in the preceding articles, to be taken cognizance of by courts-martial. 100. The President empowered to prescribe the uniform of the army. 101. The foregoing articles to be read and published once in every six months, to every garrison or regiment, &c. SEC. 2. In time of war, aliens found lurking about fortifications or the encampments of the armies, to suffer death, &c. SEC. 3. Rules and regulations by which the armies have been heretofore governed, to be henceforth void, &c., except, &c.

That, from and after the passing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed:

ARTICLE 1. Every officer now in the army of the United States shall, in six months from the passing of this act, and every officer who shall hereafter be appointed shall, before he enters on the duties of his office, subscribe these rules and regulations.

ART. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service; and all officers who shall behave indecently or irreverently at any place of divine worship shall, if commissioned officers, be brought before a general court-martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied, by the

captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

ART. 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay, for each and every such offence, one dollar, to be applied as in the preceding article.

ART. 4. Every chaplain commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him, (excepting in cases of sickness or leave of absence,) shall, on conviction thereof before a court-martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court-martial shall judge proper.

ART. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice-President thereof, against the Congress of the United States, or against the Chief Magistrate or Legislature of any of the United States in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court-martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court-martial.

ART. 6. Any officer or soldier who shall behave himself with contempt or disrespect toward his commanding officer, shall be punished, according to the nature of his offence, by the judgment of a court-martial.

ART. 7. Any officer or soldier who shall begin, excite, cause, or join in any mutiny or sedition, in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

ART. 8. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or, coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court-martial with death, or otherwise, according to the nature of his offence.

ART. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial.

ART. 10. Every non-commissioned officer or soldier, who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterward, have the Articles for the government of the armies of the United States read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army,[1] or, where recourse cannot be had to the civil magistrate, before the judge-advocate, and in his presence shall take the following oath or affirmation: "I, A. B., do solemnly swear, or affirm, (as the case may be,) that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever; and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the Rules and Articles for the government of the armies of the United States." Which justice, magistrate, or judge-advocate is to give to the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

ART. 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient which is not signed by a field officer of the regiment to which he belongs, or commanding officer, where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer or soldier before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court-martial; nor shall a commissioned

[1] By sect. 11 of chap. 42, 3 August, 1861, the oath of enlistment and re-enlistment may be administered by any commissioned officer of the army.

officer be discharged the service but by order of the President of the United States, or by sentence of a general court-martial.

ART. 12. Every colonel, or other officer commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service, and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack of the United States, (his field officer being absent,) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

ART. 13. At every muster, the commanding officer of each regiment, troop, or company, there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop, or company, certificates signed by himself, signifying how long such officers, as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers; which reasons and time of absence shall be inserted in the muster rolls, opposite the names of the respective absent officers and soldiers. The certificates shall, together with the muster rolls, be remitted by the commissary of musters, or other officer mustering, to the Department of War, as speedily as the distance of the place will admit.

ART. 14. Every officer who shall be convicted before a general court-martial of having signed a false certificate relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

ART. 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters who shall willingly sign, direct, or allow the signing of muster rolls wherein such false muster is contained, shall, upon proof made thereof, by two witnesses, before a general court-martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

ART. 16. Any commissary of musters, or other officer, who shall be convicted of having taken money, or other thing, by way of gratification, on mustering any regiment, troop, or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

ART. 17. Any officer who shall presume to muster a person as a soldier who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

ART. 18. Every officer who shall knowingly make a false return to the Department of War, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop, or company, or garrison, under his command; or of the arms, ammunition, clothing, or other stores thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

ART. 19. The commanding officer of every regiment, troop, or independent company, or garrison, of the United States, shall, in the beginning of every month, remit, through the proper channels, to the Department of War, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for and the time of their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished, according to the nature of his crime, by the judgment of a general court-martial.

ART. 20. All officers and soldiers who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as, by sentence of a court-martial, shall be inflicted.[1]

ART. 21. Any non-commissioned officer or soldier who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court-martial.

ART. 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a

[1] No officer or soldier in the army of the United States shall be subject to the punishment of death, for desertion in time of peace.— *Act 29 May*, 1830.

regular discharge from the regiment, troop, or company in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered.

ART. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court-martial.[1]

ART. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

ART. 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court-martial.

ART. 26. If any commissioned or non-commissioned officer commanding a guard shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters, and carriers of challenges, in order to duels, shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given or accepted by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

ART. 27. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or non-com-

[1] See note to art. 20.

missioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

ART. 28. Any officer or soldier who shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers who subject themselves to discipline.

ART. 29. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveille, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future sutling.

ART. 30. All officers commanding in the field, forts, barracks, or garrisons of the United States, are hereby required to see that the persons permitted to suttle shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

ART. 31. No officer commanding in any of the garrisons, forts, or barracks of the United States, shall exact exorbitant prices for houses or stalls, let out to sutlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessaries of life brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.[1]

ART. 32. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; if, upon complaint made to him of officers or soldiers beating or otherwise ill-treating any person, or disturbing fairs or markets, or of committing any kind of riots, to the disquieting of the citizens of

[1] For sutlers, see sec. 11, chap. 61, 3 March, 1847; sec. 5, chap. 156, 12 June, 1858, and chap. 47, 19 March, 1862.

the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished, as a general court-martial shall direct.

ART. 33. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the person or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop, or company, to which the person or persons so accused shall belong, are hereby required, upon application duly made by, or in behalf of, the party or parties injured, to use their utmost endeavors to deliver over such accused person or persons to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person or persons, the officer or officers so offending shall be cashiered.

ART. 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general commanding in the State or Territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the Department of War, a true state of such complaint, with the proceedings had thereon.

ART. 35. If any inferior officer or soldier shall think himself wronged by his captain or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial, for the doing justice to the complainant; from which regimental court-martial either party may, if he thinks himself still aggrieved,

appeal to a general court-martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person so appealing shall be punished at the discretion of the said court-martial.

ART. 36. Any commissioned officer, store-keeper, or commissary, who shall be convicted at a general court-martial of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores belonging to the United States to be spoiled or damaged, shall, at his own expense, make good the loss or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

ART. 37. Any non-commissioned officer or soldier who shall be convicted at a regimental court-martial of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

ART. 38. Every non-commissioned officer or soldier who shall be convicted before a court-martial of having sold, lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as such court-martial shall judge sufficient for repairing the loss or damage; and shall suffer confinement, or such other corporeal punishment as his crime shall deserve.

ART. 39. Every officer who shall be convicted before a court-martial of having embezzled or misapplied any money with which he may have been intrusted, for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court-martial shall direct.

ART. 40. Every captain of a troop or company is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop or company under his command, which he is to be accountable for to his colonel in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

ART. 41. All non-commissioned officers and soldiers who shall be found one mile from the camp without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

ART. 42. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished, according to the nature of his offence, by the sentence of a court-martial.

ART. 43. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

ART. 44. No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous appointed by his commanding officer, if not prevented by sickness or some other evident necessity, or shall go from the said place of rendezvous without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished, according to the nature of his offence, by the sentence of a court-martial.

ART. 45. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court-martial.

ART. 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

ART. 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court-martial.

ART. 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer knowing and allowing such ill-practices in the service, shall be punished by the judgment of a general court-martial.

ART. 49. Any officer belonging to the service of the United States, who, by discharging of firearms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

ART. 50. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished, according to the nature of his offence, by the sentence of a court-martial.

ART. 51. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States, employed in any parts out of the said States, upon pain of death, or such other punishment as a court-martial shall direct.

ART. 52. Any officer or soldier who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like, or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

ART. 53. Any person belonging to the armies of the United States, who shall make known the watchword to any person who is not entitled to receive it according to the rules and discipline of war, or shall presume to give a parole or watchword different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

ART. 54. All officers and soldiers are to behave themselves orderly in quarters and on their march; and whoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish-ponds, houses, or gardens, corn-fields, enclosures of meadows, or shall maliciously destroy any property whatsoever belonging to the inhabitants of the United States, unless by order of the then commander-in-chief of the armies of the said States, shall (besides such penalties as they are liable to by law) be punished, according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

ART. 55.[1] Whosoever, belonging to the armies of the United States in foreign parts, shall force a safeguard, shall suffer death.

ART. 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

ART. 57. Whosoever shall be convicted of holding correspondence with, or giving intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

ART. 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

ART. 59. If any commander of any garrison, fortress, or post shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

ART. 60. All sutlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

ART. 61. Officers having brevets or commissions of a prior date to those of the regiment in which they serve, may take place in courts-martial and on detachments, when composed of different corps, according to the ranks given them in their brevets or dates of their former commissions; but in the regiment, troop, or company to which such officers belong, they shall do duty and take rank, both in courts-martial and on detachments which shall be composed of their own corps, according to the commissions by which they are mustered in the said corps.

[1] Amended by chap. 23, sec. 5, 13 Feb. 1862, so as to read as follows:
ART. 55. Whoever, belonging to the armies of the United States in foreign parts, or at any place within the United States, or their Territories, during rebellion against the supreme authority of the United States, shall force a safeguard, shall suffer death.
Approved, February 13, 1862.

ART. 62. If, upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

ART. 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on, any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect to which their rank in the army may entitle them respectively, and are liable to be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

ART. 64. General courts-martial may consist of any number of commissioned officers, from five to thirteen, inclusively; but they shall not consist of less than thirteen where that number can be convened without manifest injury to the service.

ART. 65.[1] Any general officer commanding an army, or colonel commanding a separate department,[2] may appoint general courts-martial whenever necessary. But no sentence of a court-martial shall be carried into execution until after the whole proceeding shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court-martial, in the time of peace, extending to the loss of life, or the dismission of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceeding shall have been transmitted to the Secretary

[1] Whenever a general officer commanding an army, or a colonel commanding a separate department, shall be the accuser or prosecutor of any officer in the army of the United States, under his command, the general court-martial for the trial of such officer shall be appointed by the President of the United States.

The proceedings and sentence of the said court shall be sent directly to the Secretary of War, to be by him laid before the President, for his confirmation or approval, or orders in the case.

So much of the sixty-fifth article of the first section of "An Act for establishing rules and articles for the government of the armies of the United States," passed on the tenth of April, eighteen hundred and six, as is repugnant hereto, shall be, and the same is hereby, repealed.—*Act* 29 *May*, 1830, sec. 1, 2, 3.

[2] Or. in time of war, the commander of a division or separate brigade, by chap. 3, 24 December, 1861.

of War, to be laid before the President of the United States for his confirmation or disapproval, and orders in the case.[1] All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.[2]

ART. 66. Every officer commanding a regiment or corps may appoint, for his own regiment or corps, courts-martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other places where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences.

ART. 67. No garrison or regimental court-martial shall have the power to try capital cases or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier for a longer time than one month.

ART. 68. Whenever it may be found convenient and necessary to the public service, the officers of the marines shall be associated with the officers of the land forces, for the purpose of holding courts-martial, and trying offenders belonging to either; and, in such cases, the orders of the senior officer of either corps who may be present and duly authorized, shall be received and obeyed.

ART. 69. The judge-advocate, or some person deputed by him, or by the general, or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts-martial:

"You, A. B., do swear that you will well and truly try and

[1] And such sentences shall require the confirmation of the general commanding the army in the field to which such division brigade belongs, by chap. 3, 24 December, 1861.

[2] See chap. 3, 24 December, 1861, *post*.

determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice, according to the provisions of 'An Act establishing Rules and Articles for the government of the armies of the United States,' without partiality, favor, or affection; and, if any doubt should arise, not explained by said Articles, according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following words:

"You, A. B., do swear, that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

ART. 70. When a prisoner, arraigned before a general court-martial, shall, from obstinacy and deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

ART. 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

ART. 72. All the members of a court-martial are to behave with decency and calmness; and in giving their votes are to begin with the youngest in commission.

ART. 73. All persons who give evidence before a court-martial are to be examined on oath or affirmation, in the following form:

"You swear, or affirm, (as the case may be,) the evidence you

shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

ART. 74. On the trials of cases not capital, before courts-martial, the deposition of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence; provided the prosecutor and person accused are present at the taking the same, or are duly notified thereof.

ART. 75. No officer shall be tried but by a general court-martial, nor by officers of an inferior rank, if it can be avoided. Nor shall any proceedings of trials be carried on, excepting between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court-martial, require immediate example.

ART. 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court-martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

ART. 77. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

ART. 78. Non-commissioned officers and soldiers, charged with crimes, shall be confined until tried by a court-martial, or released by proper authority.

ART. 79. No officer or soldier who shall be put in arrest shall continue in confinement more than eight days, or until such time as a court-martial can be assembled.

ART. 80. No officer commanding a guard, or provost-marshal, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

ART. 81. No officer commanding a guard, or provost-marshal, shall presume to release any person committed to his charge without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court-martial.

ART. 82. Every officer or provost-marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court-martial.

ART. 83. Any commissioned officer convicted before a general court-martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

ART. 84. In cases where a court-martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

ART. 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode, and punishment, of the delinquent, be published in the newspapers in and about the camp, and of the particular State from which the offender came, or where he usually resides; after which it shall be deemed scandalous for an officer to associate with him.

ART. 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court-martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or department, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 87.[1] No person shall be sentenced to suffer death but by the concurrence of two-thirds of the members of a general court-martial, nor except in the cases herein expressly mentioned; *nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court-martial;* and no officer, non-commis-

[1] So much of these rules and articles as authorizes the infliction of corporeal punishment by stripes or lashes was specially repealed by act of 16 May, 1812. By act of 2 March, 1833, the repealing act was repealed so far as it applied to the crime of desertion, which, of course, revived the punishment by lashes for that offence. Flogging was totally abolished by sec. 3 of chap. 54, 5 August, 1861.

sioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

ART. 88. No person shall be liable to be tried and punished by a general court-martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

ART. 89. Every officer authorized to order a general court-martial shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by Article 65) to carry them into execution, he may suspend until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court-martial, the said officer shall immediately transmit to the President for his determination. And the colonel or commanding officer of the regiment or garrison where any regimental or garrison court-martial shall be held,[1] may pardon or mitigate any punishment ordered by such court to be inflicted.[2]

ART. 90. Every judge-advocate, or person officiating as such, at any general court-martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial to the Secretary of War; which said original proceedings and sentence shall be carefully kept and preserved in the office of said Secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

The party tried by any general court-martial shall, upon demand thereof, made by himself, or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court-martial.

ART. 91. In cases where the general, or commanding officer, may order a court of inquiry to examine into the nature of any transaction, accusation, or imputation against any officer or

[1] Or, in time of war, the commander of a division or separate brigade, by chap. 3. 24 Dec. 1861.

[2] See chap. 3, 24 Dec. 1861.

soldier, the said court shall consist of one or more officers, not exceeding three, and a judge-advocate, or other suitable person, as a recorder, to reduce the proceedings and evidence to writing; all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court-martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

ART. 92. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer, and the said proceedings may be admitted as evidence by a court-martial, in cases not capital or extending to the dismission of an officer, provided that the circumstances are such that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

ART. 93. The judge-advocate or recorder shall administer to the members the following oath:

"You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God."

After which the President shall administer to the judge-advocate or recorder the following oath:

"You, A. B., do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you God."

The witnesses shall take the same oath as witnesses sworn before a court-martial.

ART. 94. When any commissioned officer shall die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, or the assistant

military agent, shall immediately secure all his effects or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the Department of War, to the end that his executors or administrators may receive the same.

ART. 95. When any non-commissioned officer or soldier shall die, or be killed in the service of the United States, the then commanding officer of the troop or company shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the Department of War, which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment or post, by preferment or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

ART. 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay or hire in the service of the artillery, or corps of engineers of the United States, shall be governed by the aforesaid Rules and Articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

ART. 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times and in all places, when joined or acting in conjunction with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers in the regular forces; save only that such courts-martial shall be composed entirely of militia officers.

ART. 98. All officers serving by commission from the authority of any particular State, shall, on all detachments, courts-martial, or other duty, wherein they may be employed in conjunction

with the regular forces of the United States, take rank next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or State officers may be elder than the commissions of the officers of the regular forces of the United States.

ART. 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

ART. 100. The President of the United States shall have power to prescribe the uniform of the army.

ART. 101. The foregoing articles are to be read and published, once in every six months, to every garrison, regiment, troop, or company, mustered or to be mustered, in the service of the United States, and are to be duly observed and obeyed by all officers and soldiers who are, or shall be, in said service.

ART. 102. All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor, who may have escaped from any persons to whom such service or labor is claimed to be due; and any officer who shall be found guilty by a court-martial of violating this article shall be dismissed from the service.[1]

SEC. 2.[2] That in time of war, all persons not citizens of, or owing allegiance to, the United States of America, who shall be found lurking as spies in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court-martial.

SEC. 3. That the rules and regulations by which the armies of the United States have heretofore been governed, and the

[1] This article was adopted 13 March, 1862. See chap. 40, 37th Cong., 2d Sess., *post*.

[2] Substituted by chap. 25, 13 February, 1862, as follows: "That in time of war or rebellion against the supreme authority of the United States, all persons who shall be found lurking as spies, or acting as such, in or about the fortifications, encampments, posts, quarters, or head-quarters of the armies of the United States, or any of them, within any part of the United States which has been or may be declared to be in a state of insurrection by proclamation of the President of the United States, shall suffer death, by sentence of a general court-martial."

resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them prior to the promulgation of this act at the several posts and garrisons, respectively occupied by any part of the army of the United States.

[*Approved, April* 10, 1806.]

CHAPTER 25.—Approved, April 10, 1806.—Vol. 2, p. 376.

An Act to provide for persons who were disabled by known wounds received in the Revolutionary War.

That any commissioned or non-commissioned officer, musician, soldier, marine, or seaman, disabled in the actual service of the United States, while in the line of his duty, by known wounds received during the revolutionary war, and who did not desert the service; or who, in consequence of disability as aforesaid, resigned his commission, or took his discharge; or who, after incurring disability as aforesaid, was taken captive by the enemy, and remained either in captivity or on parole, until the close of said revolutionary war; or who, in consequence of known wounds received as aforesaid, has, at any period since, become and continued disabled in such manner as to render him unable to procure a subsistence by manual labor; whether such officer, musician, soldier, marine, or seaman, served as a volunteer, in any proper service against the common enemy, or belonged to a detachment of the militia, which served against the common enemy, or to the regular forces of the United States, or of any particular state, he shall, upon substantiating his claim, in the manner hereinafter described, be placed[2] on the pension list of the United States, during life, or the continuance of such disability, and be entitled, under the regulations hereinafter mentioned, to receive such sum as shall be found just and proper, by the testimony adduced.

SEC. 2. That in substantiating such claim, the following rules and regulations shall be complied with, that is to say: all evidence shall be taken on oath or affirmation, before the judge of the district, or one of the judges of the territory, in which such claimant resides, or before some person specially authorized by commission from said judge.

Decisive disability, the effect of a known wound or wounds, received while in the actual service and line of duty against the common enemy, during the revolutionary war, must be proved by the affidavit of the commanding officer of the regiment, corps, company, ship, vessel, or craft, in which such claimant served; or of two other creditable witnesses to the same effect, setting forth the time when, and place where, such known wound or wounds were received; and particularly describing the same.

The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence, must be proved by the affidavit of some reputable physician or surgeon, stating his opinion either from his own knowledge and acquaintance with the claimant, or from an examination of

[1] See chap. 40, 2 August, 1813, and 16 April, 1816, chap. 55, *post.*

[2] By the Secretary of War, by the 25 April, 1808, chap. 58; now by Secretary of the Interior.

such claimant on oath or affirmation; which, when necessary for that purpose, shall be administered to said claimant by said judge or commissioner. And the said physician or surgeon, in his affidavit, shall particularly describe the wound or wounds from whence the disability appears to be derived.

Every claimant must prove, by at least one credible witness, that he continued in service during the whole time for which he was detached, or for which he engaged, unless he was discharged, or left the service in consequence of some derangement of the army, or in consequence of his disability resigned his commission; or was after his disability in captivity or on parole, until the close of the revolutionary war. And in the same manner must prove his mode of life and employment since he left the service, and the place or places where he has since resided, and his place of residence at the time of taking such testimony.

Every claimant shall, by his affidavit, give satisfactory reasons why he did not make application for a pension before, and that he is not on the pension list of any state; and the judge or commissioner shall certify, in writing, his opinion of the credibility of the witnesses whose affidavits he shall take, in all those cases where by this act it is said the proof shall be made by a credible witness or witnesses. And also, that the examining physician or surgeon is reputable in his profession.

SEC. 3. That the said judge of the district, or person by him commissioned as aforesaid, shall transmit a list of such claims, accompanied by the evidence, affidavits, certificates, and proceedings had thereon in pursuance of this act, noting particularly the day on which the testimony was closed before him, to the secretary for the department of war, that the same may be compared with muster rolls, or other documents in his office: and the said secretary shall make a statement of all such cases, which, together with all the testimony, he shall from time to time transmit to Congress,[1] with such remarks as he may think proper, that Congress may be enabled to place such claimants on the pension lists as shall be found entitled to the privilege. And it shall be the duty of a judge, or commissioner aforesaid, to permit each claimant to take a transcript of the evidence and proceedings had respecting his claim, if he shall desire it, and to certify the same to be correct.

SEC. 4. That every pension, or increase thereof, by virtue of this act, shall commence on the day when the claimant shall have completed his testimony, before the authority proper to take the same.

SEC. 5. That an increase of pension may be allowed to persons already placed upon the pension list of the United States, for disabilities caused by known wounds received during the revolutionary war, in all cases where justice shall require the same: *Provided*, That the increase, when added to the pension formerly received, shall in no case exceed a full pension.

Every invalid making application for this purpose shall be examined by two reputable physicians or surgeons, to be authorized by commission from the judge of the district where such invalid resides; who shall report in writing, on oath or affirmation, their opinion of the nature of the applicant's disability, and in what degree it prevents him from obtaining a subsistence by manual labor; which report shall be transmitted by said physicians or surgeons to the secretary for the department of war; who shall compare the same with the documents in his office, and shall make a statement of all such cases, which, together with the original report, he

[1] At Washington City, when no agents have been appointed in States, &c. where pensioner resides, 7 Jan. 1809, chap. 4.

shall from time to time transmit to Congress, with such remarks as he may think proper, that they may be enabled to do justice to such pensioners.

SEC. 6. That a full pension given by this act to a commissioned officer, shall be one-half of the monthly pay legally allowed, at the time of incurring said disability, to his grade in the forces raised by the United States; and the proportions, less than a full pension shall be the correspondent proportions of said half pay; and a full pension to a non-commissioned officer, musician, soldier, marine, or seaman, shall be five dollars a month, and the proportions less than a full pension shall be the like proportions of five dollars a month; but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant-colonel.

SEC. 7. That the pensions, or increase thereof, which may be allowed by this act, shall be paid in the same[1] manner as pensions to invalids, who have been heretofore placed on the pension list, are now paid, and under such restrictions and regulations in all respects as are prescribed by law.

SEC. 8. That from and after the passage of this act, no sale, transfer, or mortgage of the whole or any part of the pension, payable to any non-commissioned officer, musician, soldier, marine, or seaman, before the same becomes due, shall be valid. And every person claiming such pension or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some magistrate, legally authorized to take the same, a copy of which, attested by said magistrate, shall be lodged with the person who pays said pension, that such power or substitution is not given by reason of any transfer of such pension or part thereof. And any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

SEC. 9. That all laws of the United States heretofore passed, so far as they authorize persons to be placed on the pension list of the United States, for and in consequence of disabilities derived from known wounds received in the revolutionary war, shall be, and they are hereby repealed: *Provided*, That nothing in this repealing clause shall injure or in any way affect those persons already upon the pension list of the United States; and that the secretary for the department of war shall proceed upon the testimony which has been transmitted to him by any claimant, before the passage of this act, in the same manner as though this act had never passed.

SEC. 10. That this act, so far as it authorizes the admission of persons upon the pension list of the United States, shall remain in force for and during the space of[2] six years from the passage thereof, and no longer: *Provided*, That this limitation shall not affect or impair the right of any invalid who may have completed his testimony in the manner prescribed by this act before this limitation commences its operation, but which has not been transmitted to the secretary for the department of war.

[*Approved, April* 10, 1806.]

[1] Under the 18 Mar. 1818, chap. 19, vol. iii. p. 410, and 3 Mar. 1819, chap. 99.

[2] Continued from time to time. See the recitals in the 4 Feb. 1822, chap. 6, vol. iii. p. 650, and last by the 24 May, 1828, chap. 109, vol. iv. p. 307.

CHAPTER 32.—Approved, April 18, 1806.—Vol. 2, p. 383.

An Act[1] *authorizing a detachment from the Militia of the United States.*

[The 1st, 2d, and 3d sections of this act are almost in the same words as chap. 32, March 3, 1803. The 4th section fixes the period of service at six months, and provides the pay and allowances of every kind given to the United States Army. Sec. 5 authorizes the President to select such portions of the detachment for service as he may prefer. Sec. 6 appropriates $2,000,000 to carry out the object of the act. Sec. 7 repeals chap. 32, March 3, 1803; and Sec. 8 limits this act to two years.]

CHAPTER 15.—Approved, February 24, 1807.—Vol. 2, p. 419.

An Act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men.

That the President of the United States be, and he hereby is, authorized to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who may associate and offer themselves for the service, not exceeding thirty thousand men, who shall be clothed and furnished with horses at their own expense, and armed and equipped at the expense of the United States after they shall be called into service, except such of them as may choose to furnish their own arms, and whose commissioned officers shall be appointed in the manner prescribed by law in the several states and territories to which such companies shall respectively belong: *Provided*, That where any company, battalion, regiment, brigade, or division of militia already organized, shall tender their voluntary service to the United States, such company, battalion, regiment, brigade, or division shall continue to be commanded by the officers holding commissions in the same at the time of such tender, and any vacancy thereafter occurring shall be filled in the mode pointed out by law in the state or territory wherein the said company, battalion, regiment, brigade, or division shall have been originally raised.

SEC. 2. That any company, battalion, regiment, brigade, or division, thus offering itself for the service, shall be liable to be called upon to do military duty at any time the President of the United States shall judge proper, within two years after he shall accept the same, and shall be bound to continue in service for the term of twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged; and when called into actual service, and whilst remaining therein, shall be under the same rules and regulations, and be entitled to the same pay, rations, forage, and emoluments of every kind, bounty and clothing excepted, with the regular troops of the United States: *Provided*, That, in lieu of clothing, every non-commissioned officer and private, in any company, who may offer themselves, shall be entitled, when called into actual service, to receive in money a sum equal to the cost of the clothing of a non-commissioned officer or private (as the case may be) in the regular troops of the United States.

[1] Chap. 39, March 3, 1808, is a continuation of this act for two years more; and see also chap. 55, April 10, 1812.

SEC. 3. That the President of the United States be, and he hereby is, authorized to organize the companies so tendering their service as aforesaid into battalions, squadrons, regiments, brigades, and divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; but, until called into actual service, such companies shall be bound to do regular militia duty as is required by law in like manner as before the passage of this act.

SEC. 4. That in case any volunteer above mentioned, while in actual service, shall sustain any damage by injury done to his horse, or such other equipment, as shall have been furnished at his own expense, or by loss of the same without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President of the United States may direct, shall be allowed and paid to such volunteer for each and every such damage or loss.

SEC. 5. That the sum of $500,000, to be paid out of any moneys in the treasury not otherwise appropriated, be, and the same hereby is, appropriated towards defraying any expense incurred by virtue of the provisions of this act.

[*Approved, February* 24, 1807.]

CHAPTER 39.—Approved, March 3, 1807.—Vol. 2, p. 443.

An Act authorizing the employment of the Land and Naval Forces of the United States in cases of Insurrection.[1]

That in all cases of insurrection, or obstruction to the laws, either of the United States, or of any individual state or territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

CHAPTER 7.—Approved, January 8, 1808.—Vol. 2, p. 453.

An Act supplementary to an Act entitled "An Act for fortifying the ports and harbors of the United States, and for building gun-boats.

That the President of the United States is hereby authorized to cause such of the fortifications heretofore built or commenced, as he may deem necessary, to be repaired or completed, and such other fortifications and

[1] See chap. 36, 28 Feb. 1795, and chap. 3, sec. 3, July 13, 1861, and July 29, 1861, and chap. 201, July, 1862.

works to be erected as will afford more effectual protection to our ports and harbors, and preserve therein the respect due to the constituted authorities of the nation; and that the sum of $1,000,000, in addition to the sums heretofore appropriated, be, and the same is hereby, appropriated for that purpose, out of any money in the treasury not otherwise appropriated.

[*Approved, January* 8, 1808.]

CHAPTER 39.—Approved, March 3, 1808.—Vol. 2, p. 478.

An Act authorizing a detachment from the militia of the United States.

[This act is in the same words as chap. 32, 3 March, 1804, and appropriates one million dollars to carry out its objects, and sec. 7 limits its existence to two years. See also chap. 32, 18 April, 1806, chap. 39, 30 March, 1808, and chap. 55, 10 April, 1812.]

CHAPTER 42.—Approved, April 2, 1808.—Vol. 2, p. 481.

An Act authorizing the sale of public arms.[1]

That the President of the United States be, and he is hereby, authorized to cause to be sold to individual states who may wish to purchase, any arms now owned by the United States, and which may be parted with without injury to the public. Accounts of such sales shall be laid before Congress, and the money arising therefrom be, and the same is hereby, appropriated, under the direction of the President of the United States, to the purchase or manufacture of other arms for the use of the United States: *Provided*, That such arms be not delivered to any state or their agents, until the payment of the purchase-money be first made into the treasury of the United States, in money, or in the stock of the United States, at its value, as established by an act entitled "An Act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt in payment for the lands of the United States, and for other purposes relative to the public debt:" *Provided, also*, That this provision shall not extend to any purchase, not exceeding five thousand stand of arms, which shall be made by a state to which the United States, by existing engagements, are bound to pay a sum of money equal to the amount of such purchase.

CHAPTER 43.—Approved, April 12, 1808.—Vol. 2, p. 481.

An Act to raise for a limited time an additional Military Force.[2]

[3] That, in addition to the present military establishment of the United

[1] See chap. 93, 3 March, 1825, and chap. 65, 6 July, 1798, *ante*.

[2] The provisions of this act regarding the organization of the regiment of light artillery, the compensation, subsistence, and clothing of the officers and troops, and those respecting wounds and disabilities, widows and children, and allowances generally, are adopted by act of 3 March, 1815, sections 2, 4, and 7. The residue may be considered as superseded by that and subsequent acts.

[3] Army to be 10,000, by the 3 March, 1815, chap. 79, which see, and note.

States, there be raised five regiments of infantry, one regiment of riflemen, one regiment of light artillery, and one regiment of light dragoons, to be enlisted for the term of five years, unless sooner discharged.

SEC. 2.[1] That the said regiments of infantry, riflemen, and artillery, shall consist of ten companies each, and the regiment of light dragoons of eight troops; and the field and staff officers of each regiment, of one colonel, one lieutenant-colonel, one major, one adjutant, one quartermaster, one paymaster, one surgeon, one surgeon's mate, one sergeant-major, one quartermaster-sergeant, two principal musicians, and for the regiment of light dragoons, one riding-master; each company of infantry and riflemen to consist of one captain, one first and one second lieutenant, one ensign, two cadets, four sergeants, four corporals, two musicians, and sixty-eight privates; each company of artillery, one captain, of one first and one second lieutenant, two cadets, four sergeants, four corporals, two musicians, eight artificers, and fifty-eight matrosses; and each troop of light dragoons, of one captain, one first and one second lieutenant, one cornet, two cadets, four sergeants, four corporals, two musicians, one saddler, one farrier, and sixty-four privates.

SEC. 3.[2] That when, in the opinion of the President of the United States, a suitable proportion of the troops authorized by this act shall be raised, there may be appointed two additional brigadier-generals, who shall be entitled to one aid-de-camp each, to be taken from the subalterns of the line; two brigade inspectors, and two brigade quartermasters; and such number of hospital surgeons, and surgeon's mates, as the service may require, but not exceeding five surgeons and fifteen mates, with one steward and one ward-master to each hospital; the brigade inspectors appointed under this act shall be taken from the line; and the brigade quartermasters, the adjutant, regimental quartermasters, and paymasters, from the subalterns of the line.

SEC. 4.[3] That the compensation of the officers, cadets, non-commissioned officers, musicians, artificers, and privates, authorized by this act, shall be, viz. to each brigadier-general, $104 per month, twelve rations per day, or an equivalent in money, and $16 per month for forage, when not furnished by the public;[4] each brigade inspector, $30 per month, in addition to his pay in the line; each brigade quartermaster and aid-de-camp, $20, and each adjutant, regimental quartermaster, and paymaster, $10 per month, in addition to their pay in the line; and to each $6 per month for forage, when not furnished as aforesaid; each hospital surgeon, $75 per month, six rations per day, or an equivalent in money, and $12 per month for forage, when not furnished as aforesaid; each hospital surgeon's mate, $40 per month, two rations per day, or an equivalent in money, and $6 per month for forage, when not furnished as aforesaid; each hospital steward, $20 per month and two rations per day, or an equivalent in money; each ward-master, $16 per month, and two rations per day, or an equivalent in money;

[1] This organization is supplied by subsequent acts; see the 2 March, 1821, chap. 15; the 30 March, 1814, chap. 37; the 3 August, 1842, chap. 186, and the notes to those acts. Each company of riflemen to consist of ninety men, by chap. 11, 10 Feb. 1814, and see organization of new regiments, by chap. 24, 29 July, 1861.

[2] This section is supplied fully by the 3d section of the 3 March, 1815, chap. 13, and see the 16 March, 1802, sec. 2, n. 5.

[3] And so of compensation, &c., by 6 July, 1812, chap. 133, sec. 2, and see, as to equivalent for forage, the 22 July, 1813, chap. 17, and see 16 March, 1802, chap. 9, sec. 7, and notes 8 and 9. This act as to pay and subsistence is recognized as in force by the acts of the 6 July, 1812, chap. 133, and the 3 March, 1815, chap. 79, sec. 4, and the 2 March, 1821, chap. 13.

[4] Quære: If this takes away his office-room and stationery given by the 16 March, 1802, chap. 9, sec. 4, vol. i. p. 133?

to the colonel of light dragoons, $90 per month, six rations per day, and forage for five horses; to the lieutenant-colonel of light dragoons, $75 per month, five rations per day, and forage for four horses; to the major of light dragoons, $60 per month, four rations per day, and forage for four horses; to each captain of light dragoons, $50 per month, three rations per day, and forage for three horses; to each lieutenant of light dragoons, $33⅓ per month, two rations per day, and forage for two horses; to each cornet of light dragoons, $26⅔ per month, two rations per day, and forage for two horses; to the riding-master, $26⅔ per month, two rations per day, and forage for two horses; each saddler and farrier, $10 per month, one ration per day, and a suit of uniform clothing annually; and all other officers, cadets, non-commissioned officers, musicians, artificers, and privates, authorized by this act, shall receive the like pay, clothing, rations, forage, and other emoluments as the officers, cadets, non-commissioned officers, musicians, artificers, and privates of the present[1] military establishment: *Provided*, The officers and riding-master furnish their own horses and accoutrements, and actually keep in service the aforesaid number of horses to entitle them to the aforegoing allowance for forage, or its equivalent in money: *And provided, also*, That the whole or any part of the regiment of light dragoons shall be liable to serve on foot as light infantry until, by order of the President of the United States, horses and accoutrements shall be provided to equip the whole or any part thereof, as mounted dragoons.

SEC. 5. That the officers, cadets, non-commissioned officers, musicians, artificers, and privates, raised pursuant to this act, shall be entitled to the like compensation in case of disability by wounds and otherwise, incurred in the service, as the officers, cadets, non-commissioned officers, musicians, artificers, and privates in the present military establishment, and with them shall be subject to the rules and articles of war which have been established or may hereafter, by law, be established; and that the provisions of the act, intituled "An Act[2] fixing the military peace establishment of the United States, relative to the widow, child, or children of any commissioned officer who shall die, while in the service of the United States, by reason of any wound received in actual service of the United States, to courts-martial, the regulation and *compensation*[3] *of recruiting officers*, the age, *size*,[4] qualifications and bounties of recruits, arrears of pay, the bonds and duties of paymasters, penalties for desertion, punishment of persons who shall procure or entice any soldier to desert,[5] or shall purchase from any soldier his arms, uniform, clothing, or any part thereof: and the punishment of any commanding officer of any ship or vessel who shall receive on board of his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer; to the oath or affirmation to be taken and subscribed by officers, non-commissioned officers, musicians, and privates, to the allowance for[6] extra expense to any commissioned officer in travelling and sitting on general courts-martial, to arrests of non-commissioned officers, musicians, and privates for debts, to the allowance to soldiers

[1] 16 March, 1802, chap. 9, sec. 4, and see chap. 31, 24 Feb. 1812.

[2] The 16 March, 1802, chap. 9.

[3] This is affirmed by 3 March, 1815, chap. 79, sec. 7; see 16 March, 1802, chap. 9, sec. 11, and n. 3. The recruiting fee is abolished by the 2 March, 1833, chap. 68, sec. 5.

[4] Fixed by the act of 1802, chap. 9, sec. 11, at 5 ft. 6 in., but repealed by the 5 July, 1838, chap. 162, sec. 30.

[5] See, of punishment to desert and enticing to desert, the 11 January, 1812, chap. 14, sec. 16 and 17.

[6] See, for extra expense, the 11 January, 1812, chap. 14, sec. 20.

discharged from service, except by way of punishment," shall be in force and applied to all persons, matters, and things within the intent and meaning of this act, in the same manner as if they were inserted at large in the same.

SEC. 6. That the subsistence of the officers of the army, when not received in kind, shall be estimated at 25 cents per ration.[1]

SEC. 7. That there shall be appointed to each brigade, one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.[2]

SEC. 8. That, in the recess of the Senate, the President of the United States is hereby authorized to appoint all or any of the officers, other than the general officers, proper to be appointed under this act; which appointment shall be submitted to the Senate, at the next session, for their advice and consent.

SEC. 9. That every commissioned and staff officer, to be appointed in virtue of this act, shall be a citizen of the United States, or some one of the territories thereof.

[*Approved, April* 12, 1808.]

CHAPTER 48.—Approved, April 21, 1808.—Vol. 2, p. 484.

An Act concerning public contracts.[3]

1. No member of Congress, either directly or indirectly, to undertake, in whole or in part, any contract, &c., with the United States, &c. Any member of Congress entering into any contract, &c., contrary to the provisions of this act, liable to a fine of $3000, and the contract void, &c. Proviso: sums of money advanced on the part of the United States, to be repaid or prosecuted for, &c. 2. Nothing herein to extend to any contract, &c., entered into by any incorporated company, for the general benefit, &c., nor to the purchase or sale of bills of exchange, &c. 3. In every contract, &c., an express condition to be inserted that no member of Congress shall be admitted, &c. 4. Any officer of the United States, in their behalf, entering into a contract with a member of Congress, contrary to the provisions of this act, liable to a fine of $3000, &c. 5. The secretaries of the treasury, war, and navy, and the postmaster-general, to lay before Congress, annually, hereafter, a statement of all contracts made in their departments during the preceding year, &c.

That, from and after the passage of this act, no member of Congress shall, directly or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole

[1] The commutation for the ration is re-enacted by the 11 January, 1812, and made 30 cents by chap. 55, 21 February, 1857.

[2] See, as to chaplains, the 11 January, 1812, chap. 14, sec. 24, and sec. 9, chap. 9, 22 July, 1861; and hospital chaplains, chap. 80, 20 May, 1862.

[3] This act is not to be disturbed by the general repealing clause of the Post-office act of 3 March, 1825, chap. 64, sec. 46, vol. 4, p. 114.

And see sec. 4, chap. 25, 4 May, 1858, *post;* additional acts, July, 1862, chap. 180, and chap. 93, 2 July, 1862, and sec. 9, 14, 15, and 16, chap. 200, 17 July, 1862.

or in part, any contract or agreement hereafter to be made or entered into with any officer of the United States, in their behalf, or with any person authorized to make contracts on the part of the United States; and if any member of Congress shall, directly or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, enter into, accept of, agree for, undertake or execute, any such contract or agreement, in the whole or in part, every member so offending shall, for every such offence, upon conviction thereof before any court of the United States, or of the territories thereof, having cognizance of such offence, be adjudged guilty of a high misdemeanor, and shall be fined three thousand dollars; and every such contract or agreement as aforesaid shall, moreover, be absolutely void and of no effect: *Provided, nevertheless*, That in all cases where any sum or sums of money shall have been advanced on the part of the United States, in consideration of any such contract or agreement, the same shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum or sums of money advanced as aforesaid.

SEC. 2. That nothing herein contained shall extend, or be construed to extend, to any contract or agreement made, or entered into, or accepted, by any incorporated company, where such contract or agreement shall be made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange, or other property, by any member of Congress, where the same shall be ready for delivery, and for which payment shall be made at the time of making or entering into the contract or agreement.

SEC. 3. That in every such contract or agreement, to be made, or entered into, or accepted, as aforesaid, there shall be inserted an express condition that no member of Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

SEC. 4. If any officer of the United States, on behalf of the United States, shall, directly or indirectly, make or enter into

any contract, bargain, or agreement, in writing or otherwise, other than such as are herein excepted, with any member of Congress, such officer so offending, on conviction thereof before any court having jurisdiction thereof, shall be deemed and taken to be guilty of a high misdemeanor, and be fined in a sum of three thousand dollars.

SEC. 5. That, from and after the passing of this act, it shall be the duty of the secretary of the treasury, secretary of war, secretary of the navy, and the postmaster-general, annually, to lay before Congress a statement of all the contracts which have been made in their respective departments during the year preceding such report, exhibiting in such statement the name of the contractor, the article or thing contracted for, the place where the article was to be delivered, or the thing performed, the sum to be paid for its performance or delivery, the date and duration of the contract.[1]

[*Approved, April* 21, 1808.]

CHAPTER 55.—Approved, April 23, 1808.—Vol. 2, p. 490.

An Act making provision for arming and equipping the whole body of the Militia of the United States.

1. The annual sum of $200,000 appropriated to provide arms, &c., for the whole body of the militia, &c. 3. The arms procured in virtue of this act to be transmitted to the several states and territories, in proportion to the number of effective militia, &c.

That the annual sum of two hundred thousand dollars be, and the same hereby is, appropriated[2] for the purpose of providing arms and military equipments for the whole body of the militia of the United States,[3] either by purchase or manufacture, by and on account of the United States.

SEC. 2. That the President of the United States be, and he hereby is, authorized to purchase sites for, and erect, such additional arsenals and manufactories of arms as he may deem expedient, under the limitations

[1] See res. 53, 12 July, 1862, requiring weekly advertisement of contracts and offers.

[2] Out of any money in the treasury not otherwise appropriated, by chap. 135, 29 April, 1816.

[3] To District of Columbia, by 3 March, 1825, chap. 18, *post.*

and restrictions[1] now provided by law: *Provided, also*, That so much of any law as restricts the number of workmen in the armories of the United States to one hundred men, be, and the same hereby is, repealed.[2]

SEC. 3. That all the arms procured in virtue of this act shall be transmitted to the several states composing this union, and territories thereof, to each state and territory, respectively, in proportion to the number of the effective militia in each state and territory,[3] and by each state and territory to be distributed to the militia in such state and territory, under such rules and regulations as shall be by law prescribed by the legislature of each state and territory.

[*Approved, April* 23, 1808.]

CHAPTER 58.—Approved, April 25, 1808.—Vol. 2, p. 496.

An Act concerning invalid pensioners.

3. Secretary of war to place on pension list persons disabled in the Revolution. 4. And those disabled in service. 5. To be paid as prescribed.

SEC. 3. That the secretary at war[4] be, and he is hereby, authorized and directed to place on the pension list of the United States, all persons who now remain on the pension list of any of the states, and who were placed on the same in consequence of disability occasioned by known wounds received during the revolutionary war, whether such person or persons served in the land or sea service of the forces of the United States, or of any particular state, in the regular corps, or the militia, or as volunteers: *Provided*, That in no case the pensions allowed to such person or persons shall exceed the sums specified by the sixth section of an act intituled "An act[5] to provide for persons who were disabled by known wounds received in the revolutionary war," passed the tenth day of April, one thousand eight hundred and six: *And Provided*, That in every case where application shall be made, to have such person or persons placed on the pension list of the United States, under this law, satisfac-

[1] The 2 April, 1794, chap. 14, *ante*, and the 7 May, 1800, chap. 46, *ante*.
[2] See 2 April, 1794, chap. 14, *ante*.
[3] According to representation in Congress, by sec. 7, chap. 169, 3 March, 1835.
[4] Now of the Interior.
[5] Chap. 25, *ante*.

tory documents from the proper officers of the state, shall be adduced to establish the fact of such person or persons having been placed on the state pension list in consequence of disability occasioned by known wounds received during the revolutionary war.

SEC. 4. That any officer, non-commissioned officer, musician, or private, who has been wounded or disabled since the revolutionary war, while in the line of his duty, in the actual service of the United States, whether he belong to the military establishment, or the militia, or any volunteer corps, called into service under the authority of the United States, may be placed on the pension list of the United States, at such rate of compensation, and under such regulations, as are prescribed by the act intituled "An act[1] to provide for persons who were disabled by known wounds received in the revolutionary war," passed April the tenth, one thousand eight hundred and six.

SEC. 5. That the pensioners becoming such in virtue of this act, shall be paid in the same manner[2] as invalid pensioners are paid, who have heretofore been placed on the pension list of the United States, under such restrictions and regulations in all respects, as are prescribed by the laws of the United States, in such cases provided.

[*Approved, April* 25, 1808.]

CHAPTER 28.—Approved, March 3, 1809.—Vol. 2, p. 535.

An Act further to amend the several acts[3] for the establishment and regulation of the Treasury, War, and Navy Departments.

1. Warrants charged to appropriations. Payments charged to appropriations. Separate accounts reported to Congress. The President, in the recess, may order appropriation for one to be applied to another branch of expenditure, and laid before Congress. 2. Comptroller to settle accounts. Annual statement of delinquencies to Congress by him. 3. No special agents for purchases and contracts. Appointments during the recess of agents; number and compensation of. Not over one per cent. 4. Bonds of. To deposit public money in banks. 5. Purchases for supplies, how made. Annual statement of, made to Congress.

[1] Chap. 25, *ante;* and see chap. 166, 14 July, 1862.

[2] And at the seat of government, if no pension agents have been appointed, by the 7 January, 1809, chap. 4.

[3] See the end of this act for list of acts on the subject of this chapter.

That all warrants drawn by the secretary of the treasury, or of war, or of the navy, upon the treasurer of the United States, shall specify the particular appropriation or appropriations to which the same should be charged: the moneys paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation or appropriations, in the books kept in the office of the comptroller of the treasury, in the case of warrants drawn by the secretary of the treasury, and in the books of the accountants of the war or navy department respectively, in the case of warrants drawn by the secretary of war, or by the secretary of the navy; and the officers, agents, or other persons, who may be receivers of public moneys, shall render distinct accounts of the application of such moneys according to the appropriation or appropriations under which the same shall have been drawn, and the secretary of war and of the navy shall, on the first day of January, in each and every year, severally report to Congress a distinct account of the expenditure and application of all such sums of money as may, prior to the thirtieth day of September preceding, have been by them respectively drawn from the treasury in virtue of the appropriation law of the preceding year, and the sums appropriated by law for each branch of expenditure in the several departments shall be solely applied to the objects for which they are respectively appropriated, and to no other: *Provided, nevertheless,*[1] That during the recess of Congress, the President of the United States may,[1] and he is hereby authorized, on the application of the secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that department, be applied to another[2] branch of expenditure in the same department, in which case a special account of the moneys thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session.

[1] But appropriations for one year not to be transferred in another year to a different branch of expenditure, by the 1 May, 1820, chap. 52, sec. 4.

The power of transfer of appropriations is repealed, as to the navy department, by the 31 Aug. 1842, chap. 286, sec. 11, and by the 31 Aug. 1852, chap. 109, sec. 2; and, as to the war department, by the 31 Aug. 1852, chap. 110, sec. 2, except as to forage, medical and hospital and quartermaster's departments.

And see, for transfers after two years to the surplus fund, the 31 Aug. 1852, chap. 108, sec. 10.

[2] Except as set forth in the 3 March, 1817, chap. 96, or the 1 March, 1820, chap. 52, sec. 4; and see 1 May, 1820, chap. 52, sec. 4, and the 6 April, 1838, chap. 54, sec. 1.

SEC. 2. That it shall be the duty of the comptroller of the treasury, in every case where in his opinion further delays would be injurious to the United States, and he is hereby authorized, to direct the auditor of the treasury, and *the accountants of the war and navy departments*, at any time, forthwith to audit and settle any particular account which the said officers may be respectively authorized to audit and settle, and to report such settlement for his revision and final decision. And the said comptroller shall also lay an annual statement before Congress, during the first week of their session, of the accounts in the treasury, war, or navy departments, which may have remained more than three years unsettled, or on which balances appear to have been due more than three years, prior to the thirtieth of September then last past, together with a statement of the causes which have prevented the settlement of the accounts, or the recovery of the balances due to the United States.

SEC. 3. That, exclusively of the *purveyor*[1] *of public supplies*, paymasters of the army, pursers of the navy, *military agents*,[2] and other officers already authorized by law, no other permanent agents shall be appointed either for the purpose of making contracts, or for the purchase of supplies, or for the disbursement in any other manner of moneys for the use of the military establishment, or of the navy of the United States, but such as shall be appointed by the President of the United States with the advice and consent of the senate: *Provided*, That the President may, and he is hereby authorized, in the recess of the senate, to appoint all or any of such agents, which appointments shall be submitted to the senate at their next session, for their advice and consent, and the President of the United States is hereby authorized, until otherwise provided by law, to fix the number and compensations of such agents: *Provided*, That the compensation allowed to either shall not exceed one per centum on the public moneys disbursed by him, *nor in any instance the compensation allowed by law to the purveyor*[3] *of public supplies.*

SEC. 4. That every such agent as may be appointed by virtue of the next preceding section, and every purser of the navy, shall

[1] This office of purveyor is abolished by the 28 March, 1812, chap. 46, sec. 9.
[2] This office of military agents was abolished by the 28 March, 1812, chap. 46, sec. 18.
[3] See preceding note.

give bond with one or more sufficient sureties, in such sums as the President of the United States may direct, for the faithful discharge of the trust reposed in him; and the paymaster of the army, the military agents, the purveyor of public supplies, the pursers of the navy, and the agents appointed by virtue of the preceding section, *shall, whenever practicable, keep the public moneys in their hands, in some incorporated bank,*[1] *to be designated for the purpose by the President of the United States,* and shall make monthly returns, in such form as may be prescribed by the treasury department, of the moneys received and expended during the preceding month, and of the unexpended balance in their hands.

SEC. 5.[2] That all purchases and contracts for supplies or services which are or may, according to law, be made by or under the direction of either the secretary of the treasury, the secretary of war, or the secretary of the navy, shall be made either by open purchase, or by previously advertising for proposals respecting the same. And an annual statement of all such contracts and purchases, and also of the expenditure of the moneys appropriated for the contingent expenses of the military establishment, for the contingent expenses of the navy of the United States, and for the discharge of miscellaneous claims not otherwise provided for, and paid at the treasury, shall be laid before Congress, at the beginning of each year, by the secretary of the proper department.

[*Approved, March* 3, 1809.]

May 8, 1792, ch. 37.
July 16, 1798, ch. 85.
March 3 1817, ch. 45.
March 3, 1795, ch. 48.
April 21, 1808, ch. 48.
May 1, 1820, ch. 52.

CHAPTER 12.—Approved, June 28, 1809.—Vol. 2, p. 552.

An Act to suspend, for a limited time, the recruiting service.[3]

That so much of the act, entitled "An act to raise, for a limited time, an additional military force," as authorizes the enlisting of men for the term of five years, unless sooner discharged, be, and the same is hereby, suspended until twenty days after the next meeting of Congress.

[1] See sub-treasury act, 6 Aug. 1846, chap. 90, as to deposit of public moneys.
[2] How far does this act abrogate the 16 July, 1798, chap. 85?
[3] See chap. 43, 12 April, 1808.

CHAPTER 10.—Approved, December 24, 1811.—Vol. 2, p. 669.

An Act for completing the existing military establishment.

That the military establishment,[1] as now authorized by law, be immediately[2] completed.

SEC. 2. That there be allowed and paid to each effective, able-bodied man, recruited or re-enlisted for that service, for the term of five years, unless sooner discharged, the sum of $16; but the payment of one-half of the said bounty shall be deferred until he shall be mustered and have joined the corps in which he is to serve; and whenever any non-commissioned officer or soldier shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, he shall, moreover, be allowed and paid, in addition to the aforesaid bounty, three months' pay, and one hundred and sixty acres of land;[3] and the heirs and representatives of those non-commissioned officers or soldiers who may be killed in action, or die in the service of the United States, shall, likewise, be paid and allowed the said additional bounty of three months' pay, and one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense, in such manner, and upon such terms and conditions, as may be provided by law.[4]

CHAPTER 11.—Approved, January 2, 1812.—Vol. 2, p. 670.

An Act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States.

That the President of the United States, whenever he shall have satisfactory evidence of the actual or threatened invasion of any state or territory of the United States by any Indian tribe or tribes, be, and he is hereby, authorized to raise, either by the acceptance of volunteers or enlistment for one year unless sooner discharged, as many companies as he may deem necessary, not exceeding six, who shall serve on foot, or be mounted, as the service in his opinion may require, shall act on the frontier as rangers, be armed, equipped, and organized in such manner, and be under such regulations and restrictions, as the nature of the service in his opinion may make necessary.

SEC. 2. That each of the said companies of rangers shall consist of one captain, one first, one second lieutenant, one ensign, four sergeants, four corporals, and sixty privates.

SEC. 3. That when the said rangers arm and equip themselves and provide their own horses, they shall be allowed each $1 per day, and without a horse 75 cents per day, as full compensation for their services, rations, or forage, as the case may be. The commissioned officers shall receive the

[1] See 2 March, 1821, chap. 79.

[2] By act 12 April, 1808, chap. 43, *ante*.

[3] The allowance of bounty land increased to three hundred and twenty acres to all subsequent enlistments, by sec. 4, chap. 10, 10 December, 1814.

[4] See 6 May, 1812, providing for survey of military lands.

same pay and rations as officers of the same grade in the army of the United States.

SEC. 4. That the officers, non-commissioned officers, and privates, raised pursuant to this act, shall be entitled to this compensation in case of disability by wounds and otherwise incurred in the service, as officers, non-commissioned officers, and privates in the present military establishment, and with them shall be subject to the rules and articles of war which have been established, or may hereafter by law be established; and the provisions of the act entitled "An act fixing the military peace establishment of the United States,"[1] as far as they may be applicable, shall be extended to all persons, matters, and things within the intent and meaning of this act, in the same manner as if they were inserted at large in the same. This act shall take effect and be in force from and after the passage thereof, and continue in force for one year, and from thence to the end of the next session of Congress.

SEC. 5. That in the recess of the senate, the President of the United States is hereby authorized to appoint all the officers proper to be appointed under this act; which appointments shall be submitted to the senate at their next session for their advice and consent.

[*Approved, January* 2, 1812.]

CHAPTER 14.—Approved, January 11, 1812.—VOL. 2, p. 671.

An Act to raise an additional military force.[2]

That there be immediately raised ten regiments of infantry, two regiments of artillery, and one regiment of light dragoons, to be enlisted for the term of five years, unless sooner discharged.

SEC. 2.[3] That a regiment of infantry shall consist of eighteen captains, eighteen first lieutenants, eighteen second lieutenants, eighteen ensigns, seventy-two sergeants, seventy-two corporals, thirty-six musicians, and eighteen hundred privates, which shall form two battalions, each of nine companies. A regiment of artillery shall consist of twenty captains, twenty first lieutenants, twenty second lieutenants, forty cadets, eighty sergeants, eighty corporals, one hundred and sixty artificers, forty musicians, and fourteen hundred and forty privates, which shall form two battalions, each of ten companies. The regiment of cavalry shall consist of twelve captains, twelve first lieutenants, twelve second lieutenants, twelve cornets, twenty-four cadets, forty-eight sergeants, forty-eight corporals, twelve saddlers, twelve farriers, twelve trumpeters, and nine hundred and sixty privates, which shall form two battalions, each of six companies.

SEC. 3. That to each regiment raised under this act, whether of infantry, artillery, or light dragoons, there shall be appointed one colonel, two lieu-

[1] Chap. 9, 1802. See chap. 119, 1 July, 1812, chap. 31, 25 Feb. 1813, and chap. 41, 2 August, 1813; chap. 131, 15 June, 1832, and sec. 4, chap. 76, 2 March, 1833.

[2] See supplementary acts, 17 March, 1812, chap. 42; 8 April, 1812, chap. 53; 29 Jan. 1813, chap. 16; 5 July, 1813, chap. 4; also 26 June, 1812, chap. 108, and 30 March, 1814, chap. 37, by which the organization here given is materially modified. These acts may be considered as superseded and supplied by act of 3 March, 1815, fixing the peace establishment, chap. 79.

[3] The army was organized by the 2 Mar. 1821, chap. 13, supplying sections 1, 2, 3, 4, of this act. See that act and the notes thereto.

tenant-colonels, two majors, two adjutants, one quartermaster, one paymaster, one surgeon, two surgeon's mates, two sergeant-majors, two quartermaster-sergeants, and two senior musicians.

SEC. 4.[1] That there shall be appointed two major-generals, each of whom shall be allowed two aids, to be taken from the commissioned officers of the line; and five brigadier-generals, each of whom shall be allowed a brigade-major and an aid, to be taken from the captains and subalterns of the line; and there shall also be appointed one adjutant-general and one inspector-general,[2] each with the rank, pay, and emoluments of a brigadier-general: the said adjutant-general shall be allowed one or more assistants, not exceeding three, to be taken from the line of the army, with the same pay and emoluments as by this act are allowed to a lieutenant-colonel: the said inspector-general shall be allowed two assistant inspectors, to be taken from the line of the army, each of whom shall receive, while acting in said capacity, the same pay and emoluments as by this act are allowed to a lieutenant-colonel: there shall also be appointed such number of hospital surgeons and mates as the service may require, with one steward to each hospital.

SEC. 5. That when an officer is detached to serve as brigade-major or aid, or as an assistant to the adjutant-general or inspector-general, on the appointment of a general officer, or as adjutant or quartermaster on the appointment of a colonel, he shall not thereby lose his rank.

SEC. 6.[3] That the major-generals respectively shall be entitled to $200 monthly pay, with $20 allowance for forage monthly, and fifteen rations per day. Their aids-de-camp shall each be entitled to $24 monthly, in addition to their pay in the line, and $10 monthly for forage, and four rations. The brigadier-generals respectively shall be entitled to $104[4] monthly pay, twelve rations per day, and $16 per month for forage when not found by the public.

SEC. 7.[5] That all other officers, cadets, non-commissioned officers, musicians, artificers, and privates, authorized by this act, shall receive the like pay, forage, rations, clothing, and other emoluments, as the officers of the same grade and corps, cadets, non-commissioned officers, musicians, artificers, and privates, of the present military establishment.

SEC. 8.[6] That each ration shall consist of one pound and a quarter of beef, or three-quarters of a pound of pork, eighteen ounces of bread or flour, one gill of rum, whiskey, or brandy, and at the rate of two quarts of

[1] For the general and staff officers, see the 2 March, 1821, chap. 13.

[2] As to inspectors-general, see the 23 Aug. 1842, chap. 186, sec. 4, and note.

[3] This compensation as to majors-general is continued by the 3 March, 1815, chap. 79, sec. 4; and see the 16 March, 1802, chap. 9, sec. 1, note 8, *ante*.

[4] This is the compensation as allowed to brigadiers by the 12 April, 1808, chap. 43, sec. 4, and directed to be followed by 3 March, 1815, chap. 79, sec. 4; $20 per month added by chap. 55, 21 Feb. 1857.

[5] The 3 March, 1815, chap. 79, sec. 4, directs the pay, &c. to be according to the act of 1802, chap. 9, and 1808, chap. 43. See 11 Feb. 1857; 3 March, 1857, chap. 119, for cadets, 4 Aug. 1854, also private's pay made $13 per month by chap. 43, 6 Aug. 1861.

[6] See malt liquor, or low wines, substituted for, by the 26 March, 1804, chap. 39, vol. 1, p. 290; and see now, for sugar and coffee, the 5 July, 1838, chap. 162, sec. 17, and sec. 4, chap. 163, 21 June, 1860; and see sec. 13, chap. 42, 3 Aug. 1861.

salt, four quarts of vinegar, four pounds of soap, and one pound and a half of candles, to every hundred rations.

SEC. 9.[1] That every non-commissioned officer, musician, and private, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, one coarse linen frock and trousers, for fatigue clothing, four pair of shoes, four shirts, two pair of socks, two pair of short stockings, one blanket, one stock and clasp, and one pair of half gaiters: And the secretary of war is hereby authorized to cause to be furnished to the paymasters of the respective districts such surplus of clothing as he may deem expedient, which clothing shall, under his direction, be furnished to the soldiers, when necessary, at the contract prices, and accounted for by them out of their arrears of monthly pay.

SECTIONS 10, 11, 13, 14, 15, 16, 18, 20, 22, and 24, being repeated as sections 6, 7, 9, 10, 11, 12, 13, 14, 15, and 16 of chap. 16, 29 January, 1813, are omitted here.

SEC. 12.[2] That there shall be allowed and paid to each effective able-bodied man, recruited as aforesaid, to serve for the term of five years, a bounty of $16; but the payment of $8 of the said bounty shall be deferred until he shall be mustered, and have joined some military corps of the United States for service. And whenever any non-commissioned officer, or soldier, shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, he shall, moreover, be allowed and paid, in addition to the said bounty, three months' pay, and one hundred and sixty acres of land; and the heirs and representatives of those non-commissioned officers or soldiers who may be killed in action, or die in the service of the United States, shall likewise be paid and allowed the said additional bounty of three months' pay, and one hundred and sixty acres of land; to be designated, surveyed, and laid off, at the public expense, in such manner, and upon such terms and conditions, as may be provided by law.

SEC. 17. That every person not subject to the rules and articles of war, who shall procure or entice a soldier in the service of the United States to desert; or who shall purchase from any soldier his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel who shall enter on board such ship or vessel as one of his crew, knowing him to have deserted, or otherwise carry away, any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of any court having cognizance of the same, in

[1] By the 24 April, 1816, chap. 69, sec. 7, the President is to prescribe the quantity and kind of clothing.

[2] This provision as to bounty in pay and in land was increased by the 10 Dec. 1814, chap. 10, sec. 4, to three hundred and sixty acres, but bounties to recruits were repealed by the 2 March, 1833, chap. 68. See, for appropriations of land for these bounty lands, the 24 Dec. 1811, chap. 10, note 1.

any sum not exceeding three hundred dollars, and be imprisoned for any term not exceeding one year.[1]

SEC. 19.[2] That there shall be appointed to each division a judge-advocate, who shall be entitled to the same pay and emoluments as a major in the infantry; or, if taken from the line of the army, shall be entitled to thirty dollars per month in addition to his pay, and the same allowance for forage as is allowed by law for a major of infantry.

SEC. 21. That no non-commissioned officer, musician, or private, during the term of his service, shall be arrested on mesne process, or taken or charged in execution for any debt or debts contracted before enlistment, which were severally under twenty dollars at the time of contracting the same, nor for any debt whatever contracted after enlistment.

SEC. 23. That the subsistence of the officers of the army, when not received in kind, shall be estimated at twenty cents per ration.[3]

[*Approved, January* 11, 1812.]

CHAPTER 21.—Approved, February 6, 1812.—Vol. 2, p. 676.

An Act authorizing the President of the United States to accept and organize certain volunteer military corps.[4]

[The first four sections of this act are identical with the first four of chap. 15, 24 Feb. 1807.]

SEC. 5. That if any officer, non-commissioned officer, musician, or private, shall be disabled, by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalid pensioners of the United States, at such rate of pension and under such regulations as are or may be directed by law: *Provided, always,* That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer at the time of his being wounded or disabled, and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of pension to non-commissioned officers, musicians, and privates, shall not exceed $5[5] per month: *And provided, also,* That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

SEC. 6. That the heirs and representatives of any non-commissioned officer or soldier who may be killed in action or die in the actual service

[1] See sec. 19, chap. 9, 16 March, 1802, and sec. 5, chap. 43, 12 April, 1808.

[2] Appointed "for the Army," by the 2 March, 1849, chap. 83, sec. 4, p. 351; and see sec. 6, chap. 20, 17 July, 1862.

[3] 30 cents by 21 Feb. 1857, chap. 55.

[4] Repealed by chap. 16, sec. 18, 29 Jan. 1813.

[5] Increased to $8.

of the United States, shall be entitled to receive one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense, in such manner and upon such terms and conditions as may be provided by law.

SEC. 7. That upon the discharge of any non-commissioned officer, or soldier, who shall have been accepted under the provisions of this act, and shall have been in actual service for a period not less than one month, and shall have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty while in service, such non-commissioned officer or soldier, if attached to the artillery or infantry, shall be presented with a musket, bayonet, and other personal equipments,[1] or, if attached to the cavalry, with the sabre and pistols furnished him by the United States, as a public testimonial of the promptitude and zeal with which he shall have volunteered in support of the rights and honor of the country.

SEC. 8. That the sum of $1,000,000 be appropriated to defray the expenses which may be incurred under the provisions of this act, to be paid out of any money in the treasury not otherwise appropriated.

[*Approved, February* 6, 1812.]

CHAPTER 31.—Approved, February 24, 1812.—Vol. 2, p. 685.

An Act supplementary to "An Act to raise, for a limited time, an additional military force," passed on the twelfth day of April, one thousand eight hundred and eight.[2]

That whenever, in the opinion of the President of the United States, it is expedient to mount the light artillery, or any part thereof, horses and accoutrements shall be provided to equip the whole, or such part as he may direct; and when the non-commissioned officers, musicians, artificers, and privates, are so equipped, the officers shall be entitled to the same forage as is now provided for the officers of the same grade in the regiment of light dragoons: *Provided*, The officers furnish their own horses and accoutrements, and actually keep in service the same number of horses, to entitle them to the aforesaid allowance for forage, or its equivalent in money.

SEC. 2. That whenever the said light artillery are ordered to be mounted, there shall be provided one saddler and one farrier to each company, who shall be entitled to the same pay and emoluments as are now provided for saddlers and farriers in the regiment of light dragoons.

CHAPTER 42.—Approved, March 17, 1812.—Vol. 2, p. 695.

An Act supplementary to "An Act to raise an additional military force."[3]

That the non-commissioned officers, musicians, and privates of the light dragoons, shall receive the same uniform clothing as is now provided by

[1] See chap. 138, 6 July, 1812

[2] See chap. 43, 12 April, 1808.

[3] Original act, chap. 14, 11 Jan. 1812.

law for the artillery and infantry, excepting one pair of gaiters, and four pairs of shoes, in lieu of which each person shall be annually entitled to receive one pair of boots, and two pair of shoes.

SEC. 2. That the non-commissioned officers, musicians, and privates, of the regiment of light artillery, shall receive the same clothing as the light dragoons, when ordered to be mounted.

SEC. 3. That all the officers, excepting general officers, who may be appointed during the present session of Congress, under the "Act to raise an additional military force," shall take rank in such manner as the President of the United States shall direct, without regard to priority of appointment.

[*Approved, March* 17, 1812.]

CHAPTER 46.—Approved, March 28, 1812.—Vol. 2, p. 696.

An Act to establish a Quartermaster's Department, and for other purposes.

That there be, and hereby is, established a quartermaster's department for the army of the United States, to consist[1] of a quartermaster-general, *four deputy quartermasters, and as many assistant deputy quartermasters as, in the opinion of the President of the United States, the public service may require;* the quartermaster-general and deputy quartermasters to be appointed by the President, by and with the advice and consent of the Senate; and the assistant deputy quartermasters by the President alone. And he hereby is authorized moreover to appoint such additional number of deputy quartermasters, not exceeding four, to be taken from the line or not, at his discretion, as in his judgment the public service may require.

SEC. 2. That, the quartermaster-general shall be entitled to the rank, pay, and emoluments[2] of a brigadier-general, (under the act[3] of the twelfth of April, one thousand eight hundred and eight,) with forage for two additional horses; the *deputy quartermasters, when not taken from the line,*[4] *shall be entitled to receive sixty dollars per month, five rations per day, and forage for two*

[1] During the absence of the quartermaster-general the President may appoint some one to perform his duties, by the 4 July, 1836, chap. 356.

This section (1) as to subordinate officers seems to be entirely changed, as to the number of officers, by the 2 March, 1821, chap. 13, sec. 7.

For additional appointments to, see 2 March, 1821, chap. 13, sec. 7; the 18 March, 1826, chap. 74, sec. 4, and the 5 July, 1838, chap. 162, sec. 9.

The appointments in the quartermaster's department to be taken from the army by the 5 July, 1838, chap. 162, sec. 9.

For the present organization of the quartermaster's department, see sec. 3, chap. 42, 3 Aug. 1861.

[2] An allowance for office rent, fuel, &c., by the secretary at war, by the 22 May, 1812, chap. 92, sec. 4.

[3] Ch. 43, sec. 4: viz., $104 per month, 12 rations a day, or an equivalent in money, and $16 per month for forage, when not supplied by the public; now $124 per month, &c.

[4] The latter part of this section (2) seems entirely repealed by the 2 March, 1821, chap. 13, sec. 7.

horses, but if taken from the line, then such additional pay and emoluments as shall be equal to the foregoing provision; the assistant deputy quartermasters, when not taken from the line, shall be entitled to and receive forty dollars per month, three rations per day, and forage for one horse, but if taken from the line, then such additional pay and emoluments as shall be equal to the foregoing provision.

SEC. 3. That, in addition[1] to their duties in the field, it shall be the duty of the quartermaster-general, his deputies, and assistant deputies, when thereto directed by the secretary of war, to purchase military stores, camp equipage, and other articles requisite for the troops, and generally to procure and provide means of transport for the army, its stores, artillery, and camp equipage. That the quartermaster-general shall account as often as may be required, and at least once in three months, with the department of war, in such manner as shall be prescribed, for all property which may pass through his hands, or the hands of the subordinate officers in his department, or that may be in his or their care or possession, and for all moneys which he or they may expend in discharging their respective duties; that he shall be responsible for the regularity and correctness of all returns in his department, and that he, his deputies and assistant deputies, before they enter on the execution of their respective offices, shall severally take an oath faithfully to perform the duties thereof.

SEC. 4. That there shall be a commissary-general[2] of purchases, and as many deputy commissaries as, in the opinion of the President of the United States, the public service may require, to be appointed by the President, by and with the advice and consent of the Senate.

SEC. 5. That it shall be the duty of the *commissary-general*[3] *of purchases*, under the direction and supervision of the secretary of war, to conduct the procuring and providing of all arms, military stores, clothing, and generally all articles of supply requisite for the military service of the United States; and it shall be the duty of the deputy commissaries, when directed thereto, either by the secretary of war, *the commissary-general of purchases*, or, in cases of necessity, by the commanding general, quartermaster-general, or deputy quartermasters, to purchase all such of the aforesaid articles as may be requisite for the military service of the United States.

SEC. 6.[4] That neither the quartermaster-general, nor the commissary-

[1] See, for further duties and accountabilities, the 3 March, 1813, chap. 48; the 3 March, 1817, chap. 45, and the 18 May, 1826, chap. 74.

[2] This office abolished, and its duties transferred to the quartermaster's department, by 23 Aug. 1842, chap. 186, sec. 3, vol. 5, p. 513.

[3] See note to sec. 4.

[4] This sec. repealed and supplied by 22 May, 1812, chap. 92, sec. 1 and 5.

general, shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea vessel; nor shall either of them purchase, by himself, or another in trust for him, public lands, or any other public property, or be concerned in the purchase or disposal of any public securities of any state, or of the United States, or take, or apply to his own use, any emolument or gain, for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if either the said quartermaster-general, or commissary-general, shall offend against any of the prohibitions of this act, the parties so offending shall, upon conviction, forfeit to the United States the penalty of $3000, and may be imprisoned for a term not exceeding five years, and shall be removed from office, and be forever thereafter incapable of holding any office under the United States.

SEC. 7. That the salary of the commissary-general of purchases shall be $3000 per annum; and the compensation to a deputy commissary shall not exceed two and one-half per centum on the public moneys disbursed by him, nor, in any instance, the sum of $2000 per annum.

SEC. 8. That the commissary-general of purchases shall, before he enters upon his duties, give bond, with sufficient surety, to be approved of by the secretary of war, in the sum of $50,000, and the deputy commissaries, each, in the sum of $10,000, with condition for the faithful performance of the duties of their office, respectively; which bonds shall be lodged with the comptroller of the treasury.

SEC. 9. That from and after the last day of May next, so much of the act, entitled "An act[1] to establish the office of purveyor of public supplies," as relates to the appointment and services of a purveyor of public supplies, be and the same is hereby repealed; and in the mean time the purveyor shall deliver over to the commissary-general, or one of his deputies, the public stores and property of all sorts in his possession, who shall receipt to him for the same.

SEC. 10. That all letters and packets, to and from the quartermaster-general and commissary-general, shall be free from postage.[2]

SEC. 11.[3] That there be allowed, for the compensation of the necessary clerks in the quartermaster-general's office, a sum not exceeding $1500 a year; and for the compensation of the clerks of the commissary-general, a sum not exceeding $1700 per annum, with such books and stationery as may be necessary to the quartermaster-general's and commissary-general's departments.

SEC. 12. That the quartermaster-general be authorized to appoint a principal wagon-master, and as many wagon-masters as he may judge necessary for the service of the army, not exceeding one to each brigade, whose duty it shall be, under the direction of the quartermaster-general, or any of his deputies, to provide and conduct the wagons, and other means of transport, necessary and proper for the military service of the United States.

SEC. 13. That no wagon-master shall, directly or indirectly, be concerned or interested in any wagon, or means of transport, employed in the service of the United States, nor in the purchase or sale of any horses, harness, wagons, or other means of transport, procured for, or belonging to, the United States, except as agent for the United States.

SEC. 14. That the principal wagon-master shall be entitled to receive $40

[1] 23 Feb. 1793, chap. 27, *ante*.

[2] See note to sec. 3, chap. 137, 6 July, 1812.

[3] This section supplied by sec. 3, 3 March, 1853, chap. 97.

per month, three rations per day, and forage for one horse; and each wagon-master shall be entitled to receive $30 per month, two rations per day, and forage for one horse.[1]

SEC. 15. That the quartermaster-general be authorized to appoint one principal forage-master, and as many assistant forage-masters as the nature of the service may require, not exceeding one to each brigade, whose duty shall be, under the direction of the quartermaster-general, or any of his deputies, to provide and deliver out forage necessary and proper for the military service of the United States; nor shall any forage-master be, directly or indirectly, concerned in the purchase or sale of any article of forage procured for or belonging to the United States, except as an agent for the United States.

SEC. 16. That the principal forage-master shall be entitled to receive $40 per month, three rations per day, and forage for two horses; and that the other forage-masters shall be entitled to receive $30 per month, two rations per day, and forage for one horse.

SEC. 17.[2] That there shall be four conductors of artillery, who shall be appointed by the President alone, each of whom shall be entitled to the pay and emoluments of a lieutenant of artillery.

SEC. 18. That this act shall go into operation on the 1st day of April next; and that so much of the act fixing the military peace establishment of the United States,[3] as respects the appointment of military agents and assistant military agents, be, and the same is hereby, repealed, from and after that day; but all those agents shall continue to perform their respective duties in the mean time, and until the deputy and assistant deputy quartermasters shall be appointed and ready to enter on the execution of their respective offices; to whom the said military agents and assistant military agents shall then deliver all the public stores and property in their possession.

SEC. 19. That all persons attached to the public service by virtue of this act shall be subject to military law, except the deputy commissaries.

SEC. 20. That the President may, and hereby is authorized, in the recess of the senate, to appoint the quartermaster-general, deputy quartermasters, commissary-general, and deputy commissaries, or any of them; which appointments shall be submitted to the senate at their next session, for their advice and consent.

[*Approved, March* 28, 1812.]

CHAPTER 53.—Approved, April 8, 1812.—Vol. 2, p. 704.

An Act in addition to the Act entitled "An Act to raise an additional military force," passed January the eleventh, one thousand eight hundred and twelve.[4]

That the President of the United States be, and he hereby is, empowered to cause to be enlisted, for the term of eighteen months, unless sooner dis-

[1] These sections—12, 13, 14, 15, and 16—are supplied by sec. 10, chap. 162, 5 July, 1838.

[2] Conductors of artillery are omitted in subsequent acts, organizing the artillery, of 1814, 1815, and 2 March, 1821, chap. 13, sec. 1.

[3] The 16 March, 1802, chap. 9, sec. 3.

[4] See original act, 11 Jan. 1812, chap. 14, with the note thereon. By chap. 45, 2 Aug. 1813, President to appoint officers to these five regiments.

charged, such part of the light dragoons, artillery, and infantry, authorized by the act, entitled "An act to raise an additional military force," as he may deem expedient: *Provided*, The whole number, so to be enlisted for eighteen months, shall not exceed fifteen thousand, any thing in the said recited act to the contrary notwithstanding.

SEC. 2. That the non-commissioned officers, musicians, and privates, so to be enlisted, shall be entitled to the bounty of $16, and the same pay, clothing, and rations, the same provisions for wounds or disabilities, and to all other allowances, (the bounty in land excepted,) provided by the said before-recited act, for the non-commissioned officers, musicians, and privates, who may be raised under the same, and shall be held to perform the same duties, and be subject to the same rules and regulations.

[*Approved, April* 8, 1812.]

CHAPTER 54.—Approved, April 10, 1812.—Vol. 2, p. 704.

An Act for the relief of the officers and soldiers who served in the late campaign on the Wabash.[1]

That the officers, according to the rank assigned them by Governor Harrison, and which they held on the 7th day of November, 1811, the non-commissioned officers, and soldiers, of the volunteers and militia, and the legal representatives of those who were killed or died of their wounds, composing the army that served in the late campaign on the Wabash against the hostile Indians, shall receive the same compensation which is allowed by law to the militia of the United States when called into the actual service of the United States.

SEC. 2. That the officers, according to the rank which they held as aforesaid, the non-commissioned officers, and soldiers, of the volunteers or militia, who served in the said campaign, and who were killed or died of wounds received in said service, leaving a widow, or, if no widow, shall have left a child or children under the age of sixteen years, such widow, or, if no widow, such child or children, shall be entitled to and receive the half of the monthly pay to which the deceased was entitled at the time of his death, or receiving the wound of which he died, for and during the term of five years; and in case of the death or intermarriage of such widow before the expiration of the term of five years, the half pay, for the remainder of the term, shall go to the child or children of such deceased officer or soldier, whilst under the age of sixteen years; and in like manner the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *Provided*, That no greater sum shall be allowed in any case to the widow or to the child or children of any officer than the half pay of a lieutenant-colonel.

SEC. 3. That every officer, according to the rank which he held as aforesaid, non-commissioned officer, and private, of the volunteers and militia, who served in the said campaign, and who have been disabled by known wounds received in said service, shall be placed on the list of invalids of the United States, at such rate of pension as shall be directed by the President of the United States, upon satisfactory proof of such wound and dis-

[1] It is presumed that all claims under this act have been satisfied.

ability being produced to the secretary of war, agreeably to such rules as he may prescribe: *Provided*, That the rate of compensation for such wounds and disabilities shall never, for the highest disability, exceed half the monthly pay of such officer at the time of being so wounded or disabled, and that the rate of compensation to a non-commissioned officer and private shall never exceed $5[1] per month; and all inferior disabilities shall entitle the person so disabled, to receive a sum in proportion to the highest disability; but no pension of a commissioned officer shall be calculated at a higher rate than the half pay of a lieutenant-colonel.

SEC. 4. That any person or persons belonging to the said army, who may have had a horse or horses killed or lost during the late battle on the Wabash, shall be entitled to and receive the value thereof: *Provided*, That the proof of the value of such horse or horses shall be by affidavit of the quartermaster of the corps to which the owner may have belonged, or of two other credible witnesses.

SEC. 5. That to the heirs or legal representatives of every person who was killed, and to every person who was wounded, in the said campaign, who were purchasers of public lands of the United States, and whose lands had not, before the 7th of November, 1811, been actually sold or reverted to the United States, for the non-payment of part of the purchase money, a further time of three years shall be allowed, in addition to the time allowed by former laws, to complete their payments; which further time of three years shall commence from the respective times when their payments should have been completed according to former laws.

[*Approved, April* 10, 1812.]

CHAPTER 55.—Approved, April 10, 1812.—Vol. 2, p. 705.

An Act to authorize a detachment from the Militia of the United States.

[Sections 1, 2, 3, and 4 of this act are about identical with similar sections of the acts of 3 March, 1803, chap. 32, 18 April, 1806, chap. 32, and 30 March, 1808, chap. 39. Sections 6 and 7 suspend whipping as punishment, substitute stoppage of pay, confinement, &c. therefor. Sec. 8 appropriates $1,000,000; and Sec. 9 limits the act to two years.]

CHAPTER 59.—Approved, April 23, 1812.—Vol. 2, p. 710.

An Act for the organization of a corps of artificers.[2]

That there shall be attached to the quartermaster-general's department, and subject to the orders of the officers thereof, a corps of artificers, to consist of one superintendent, to be appointed by the President of the United States, four assistants, two master-masons, two master-carpenters, two master-blacksmiths, two master boat-builders, two master-armorers, two master saddle and harness-makers, twenty house-carpenters, five ship-

[1] Increased to $8.

[2] Superseded by act of 3 March, 1815, chap. 79, sec. 2. See sec. 3, chap. 109, 5 July, 1862.

carpenters, twenty blacksmiths, sixteen boat-builders, sixteen armorers, twelve saddle and harness-makers, and twenty-four laborers, to be selected from the privates of the army, when authorized thereto by the commanding general, or engaged from among the citizens by the superintendent.

SEC. 2. That the pay of the superintendent of artificers shall be $45 per month, three rations per day, and forage for one horse; that the pay of the four assistants be, each, $30 per month, and two rations per day; that the pay of the twelve master-workmen be, each, $30 per month, and one ration and one-half of a ration per day; that the pay of the other workmen be, each, $16 per month, and one ration and one-half of a ration per day.

SEC. 3. That it shall be the duty of the superintendent of artificers to render a correct report, once each month, of the corps, to the quartermaster-general, and on oath to make out the pay-roll thereof; which pay-roll shall be examined by the quartermaster-general, or, in his absence, by one of the deputy-quartermasters, and by him be countersigned; and faithfully, and without delay, to execute all such orders as he may receive from the secretary of war, any officer of the quartermaster's department, or from the officer commanding in the field or garrison to which his corps, or any part thereof, may be attached.

SEC. 4. That this corps shall be engaged for and during the term of three years, unless sooner discharged by the President of the United States.

SEC. 5. That, for defraying the expense that may be incurred in the execution of this act, the sum of $30,000 be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

[*Approved, April* 23, 1812.]

CHAPTER 72.—Approved, April 29, 1812.—Vol. 2, p. 720.

An Act making further provision for the corps of engineers.[1]

1. Officers to be added to the corps of engineers. A company of bombardiers, sappers, and miners, to be formed, to be officered from the corps of engineers, &c. Non-commissioned officers, artificers, &c., allowed the same pay, &c., as in the regiment of artillerists. 2. The military academy to consist of the corps of engineers, and, in addition to the teachers of French and drawing, of a professor of natural and experimental philosophy, a professor of mathematics, a professor of the art of engineering, with assistant professors, &c. Proviso: nothing herein to entitle the academical staff to any command in the army, separate, &c. 3. The cadets not to exceed two hundred and fifty. Regulations concerning the organization, discipline, age, qualifications, and term of service of cadets. 4. When a cadet receives a regular degree, &c., he is to be considered as among the candidates for a commission, &c.; and when there is no vacancy in a corps, he may be attached to it as a supernumerary officer, &c. Proviso: not more than one supernumerary officer to one company.

That there be added to the corps of engineers two captains, two first lieutenants, two second lieutenants, with the usual pay

[1] See act of 16 March, 1802, chap. 9, sec. 26, and 5 July, 1838, chap. 162.

and emoluments, according to their grades, respectively, and one paymaster, *to be taken from the subalterns of engineers*,[1] with the pay and emoluments of a regimental paymaster; and that there be attached to the said corps, either from the troops now in service, or by new enlistments, as the President of the United States may direct, four sergeants, four corporals, one teacher of music, four musicians, nineteen artificers, and sixty-two men, which non-commissioned officers, musicians, artificers, and men, together with the artificers and men already belonging to the corps of engineers, shall be formed into a company, to be styled a company of bombardiers, sappers, and miners, and be officered from the corps of engineers, according as the commanding officer of that corps may, with the approbation of the President of the United States, direct; and the said non-commissioned officers, musicians, artificers, and men, shall be allowed the same pay and emoluments as are allowed to the non-commissioned officers, musicians, artificers, and men in the regiment of artillerists.

SEC. 2. That the military academy shall consist of the corps of engineers, and the following professors,[2] in addition to the teachers of the French language and drawing already provided,[3] viz. one professor of natural and experimental philosophy, with the pay and emoluments of lieutenant-colonel, if not an officer of the corps, and, if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a lieutenant-colonel; one professor of mathematics, with the pay and emoluments of a major, if not an officer of the corps, and, if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a major; one professor of the art of engineering in all its branches, with the pay and emoluments of a major, if not an officer of the corps, and, if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a major; each of the foregoing professors to have an assistant professor, which assistant professor shall be taken from the most prominent characters of the officers or cadets, and receive the pay and emoluments of captains, and no other pay or emoluments, while performing these duties: *Provided*, That nothing herein contained shall

[1] Words in italics repealed, 5 July, 1838, chap. 162, sec. 3.
[2] See for salaries instead of pay, &c., 3 March, 1851, chap. 22.
[3] By sec. 2, chap. 13, 28 February, 1803.

entitle the academical staff, as such, to any command in the army separate from the academy.

SEC. 3. That the cadets heretofore appointed in the service of the United States, whether of artillery, cavalry, riflemen, or infantry, or that may in future be appointed as hereinafter provided, shall at no time exceed two hundred and fifty; that they may be attached, at the discretion of the President of the United States, as students, to the military academy, and be subject to the established regulations thereof; that they shall be arranged into companies of non-commissioned officers and privates, according to the directions of the commandant of engineers, and be officered from the said corps, for the purpose of military instruction; that there shall be added to each company of cadets four musicians: and the said corps shall be trained and taught all the duties of a private, non-commissioned officer, and officer, be encamped at least three months of each year, and taught all the duties incident to a regular camp; that the candidates for cadets be not under the age of fourteen nor above the age of twenty-one years; that each cadet, previously to his appointment by the President of the United States, shall be well versed in reading, writing, and arithmetic, and that he shall sign articles, with the consent of his parent or guardian, by which he shall engage to serve *five*[1] years, unless sooner discharged; and all such cadets shall be entitled to and receive the pay and emoluments now allowed by law to cadets in the corps of engineers.[2]

SEC. 4. That when any cadet shall receive a regular degree from the academical staff, after going through all the classes, he shall be considered as among the candidates for a commission in any corps, according to the duties he may be judged competent to perform; and in case there shall not, at the time, be a vacancy in such corps, he may be attached to it at the discretion of the President of the United States, by brevet of the lowest grade, as a supernumerary officer, with the usual pay and emoluments of such grade, until a vacancy shall happen: *Provided*, That there shall not be more than one supernumerary officer to any one[3] company at the same time.

[1] Eight years by 5 July, 1838, chap. 162.
[2] $30 per month by chap. 119, 3 March, 1857.
[3] This will allow 159; the number attached to the army is 66. See President's Message, 1853–54, part 2, p. 3; see 4 August, 1854, chap. 247, sec. 5.

SEC. 5. That $25,000 be appropriated for erecting buildings, and for providing an apparatus, a library, and all necessary implements, and for such contingent expenses as may be necessary and proper, in the judgment of the President of the United States, for such an institution.

SEC. 6. That so much of the twenty-sixth section of the act entitled "An act fixing the military peace establishment,"[1] passed the 16th day of March, 1802, as confines the selection of the commander of the corps of engineers to the said corps, be, and the same is hereby, repealed.

[*Approved, April* 29, 1812.]

CHAPTER 83.—Approved, May 14, 1812.—Vol. 2, p. 732.

An Act for the better regulation of the ordnance.[2]

That there be, and hereby is, established an ordnance department, to consist of a commissary-general of ordnance, an assistant commissary-general, four deputy commissaries,[3] and as many assistant deputy commissaries[4] as the President of the United States may think necessary, not exceeding eight.

SEC. 2. That the commissary-general be authorized, from time to time, to employ as many wheelwrights, carriage-makers, blacksmiths, and laborers, as the public service may, in his judgment, require.

SEC. 3. That the commissary-general of ordnance shall be entitled to the rank, pay, and emoluments of a colonel of infantry, and be further allowed at the rate of $500 per year, and four rations per day, for clerks in his department: the assistant commissary-general of ordnance shall be entitled to the rank, pay, and emoluments of a major of infantry, with three additional rations per day; the deputy commissaries of ordnance shall be entitled to the rank, pay, and emoluments of a captain of infantry, with two additional rations per day, and forage for one horse; the assistant deputies shall have the rank, pay, and emoluments of a second lieutenant of infantry, with one additional ration per day.

SEC. 4. That a master-wheelwright, and carriage-maker, and a master-blacksmith, be allowed $30, each, per month, and one ration and one-half of a ration per day; that any other wheelwrights, carriage-makers, and blacksmiths, be allowed, each, $16 per month, and one ration and one-half of a ration per day; that the laborers, each, be allowed $9 per month, and one ration per day.

SEC. 5. That it shall be the duty of the commissary-general of ordnance to direct the inspection and proving of all pieces of ordnance, cannon-balls, shells, and shot, procured for the use of the army of the United States; and to direct the construction of all carriages, and every apparatus for ordnance, for garrison and field service, and all ammunition-wagons, pontons, and travelling forges; also the direction of laboratories, the inspection and proving the public powder, and the preparing all kinds of ammunition for garrison and field service; and shall, half-yearly, examine all ordnance, carriages, ammunition, and apparatus, in the respective fortresses, magazines, and arsenals, and cause the same to be preserved and kept in good order.

[1] Chap. 9.
[2] Repealed and supplied by 8 Feb. 1815, chap. 38.
[3] See chap. 50, 2 Aug. 1813.
[4] See 3 March, 1813, chap. 52.

SEC. 6. That the commissary-general of ordnance shall execute all orders issued by the secretary for the department of war, in conveying all ordnance, ammunition, and apparatus to the respective armies, garrisons, magazines, and arsenals; and, in time of war, he shall execute all orders of any general officer, commanding in any army or garrison, for the supply of ordnance, ammunition, carriages, pontons, forges, furnaces, or apparatus, for garrison, field, or siege service, and forward the same, without delay, and in good condition.

SEC. 7. That the commissary-general of ordnance shall, half-yearly, transmit to the department of war a correct return of all ordnance, ammunition, military stores and effects, in the respective garrisons, arsenals, magazines, posts, and camps, with a statement of their order, quality, and condition; and also what may be necessary to keep up an ample supply of each and every article in the ordnance department, and shall, in all things, faithfully and without delay, execute the orders of the secretary for the department of war touching the same.

SEC. 8. That the superintendents of military stores, keepers of magazines and arsenals, shall, half-yearly, make correct returns, to the commissary-general of ordnance, of all military stores that they respectively have in charge; and that the assistant commissary-general of ordnance, the deputy commissaries, and assistant deputies, shall, faithfully and without delay, execute all orders that shall be issued by the secretary for the department of war, the commanding general, in time of war, of any corps, camp, or garrison, or of the commissary-general of ordnance, in their respective departments, by virtue of this act.

SEC. 9. That the commissary-general of ordnance shall make a correct report of the artificers and laborers, from time to time, employed by him, and transmit the same to the adjutant-general.

SEC. 10. That, for defraying the expense that may be incurred in the execution of this act, the sum of $20,000 be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

[*Approved, May* 14, 1812.]

CHAPTER 86.—Approved, May 16, 1812.—Vol. 2, p. 735.

An Act making further provision for the Army of the United States.

5. Commanding general a secretary from the line.

[1]That the President of the United States be, and he hereby is, authorized and empowered to appoint so many district paymasters as, in his judgment, the service may require; and, if such paymasters are taken from the line of the army, they shall, respectively, receive $30 per month, in addition to their pay in the line: *Provided*, The same shall in no case exceed the pay and emoluments of a major; and, if not taken from the line, they shall receive the same pay and emoluments as a major of infantry.

SEC. 2. That the President of the United States be, and he hereby is, authorized and empowered to appoint a paymaster to each regiment on the peace establishment, who shall receive the same pay and emoluments as a

[1] These sections (1, 2, 3, 4, and 6) as to paymasters and inspectors, &c. are supplied by the 2 March, 1821, chap. 13.

captain of the regiment to which he belongs: *Provided*, That all district and regimental paymasters shall be subject to the rules and articles of war, and give such bonds to the United States as the secretary for the department of war may direct, for the faithful performance of their duties. And it shall be the duty of the commanding officer, when requested by the paymaster, to furnish a capable non-commissioned officer or soldier to aid him in the discharge of his duty, who, while so employed, shall receive double pay.

SEC. 3. That the President of the United States be, and he hereby is, authorized to appoint, from the captains and subalterns of the line of the army, so many sub-inspectors as the service may require, not exceeding one to each brigade; and such sub-inspectors shall each receive $24 per month, in addition to his pay in the line.

SEC. 4. That each brigade-major provided by law shall be allowed $24 per month, in addition to his pay in the line.

SEC. 5. That the general, commanding the army of the United States, shall be allowed a secretary, to be taken from the line of the army, who shall receive twenty-four dollars per month, in addition to his pay in the line, and shall be allowed forage for two horses.

SEC. 6. That, in addition to the non-commissioned officers and privates allowed to the regiment of light artillery, each company shall be entitled to twelve drivers of artillery, who shall be enlisted for five years, unless sooner discharged, and receive the same pay, rations, and clothing as the privates of the army: *Provided*, Such drivers of artillery shall, at all times, be liable to do duty in the ranks when the company shall not be mounted.

SEC. 7. That so much of the "act[1] for establishing rules and articles for the government of the armies of the United States," as authorizes the infliction of corporeal punishment, by stripes or lashes, be, and the same hereby[2] is, repealed.

[*Approved, May* 16, 1812.]

CHAPTER 92.—Approved, May 22, 1812.—Vol. 2, p. 742.

An Act to amend an Act entitled "An[3] Act to establish a Quartermaster's Department, and for other purposes."

1. No private trade by the quartermaster-general, &c. 2. Barrack-masters. Pay of. 3. Contingent expenses allowed by secretary of war to quartermaster-general. 4. Quartermaster to give bond.

That[4] neither the quartermaster-general, the commissary-

[1] 10 April, 1806, chap. 20, art. 87.

[2] Unless on conviction by a general court-martial, by the 2 March, 1833, chap. 68. Whipping totally abolished by sec. 3, chap. 54, 5 Aug. 1861.

March 28, 1812, chap. 46, and see 18 May, 1826, chap. 74.

[4] See on same subject the 28 March, 1812, chap. 46, sec. 6, vol. 2, p. 696, repealed by sec. 5 of this act.

general, nor any or either of their deputies or assistant deputies, shall be concerned, directly or indirectly, in the purchase or sale, for commercial purposes, of any article intended for, making a part of, or appertaining to their respective departments, except for and on account of the United States; nor shall they, or either of them, take or apply to his or their own use any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

SEC. 2. That the quartermaster-general be, and he is hereby, empowered to appoint one principal barrack-master, and as many deputy barrack-masters as may from time to time be necessary, not exceeding one to each separate barrack or cantonment: which said principal barrack-master shall be entitled to receive the same pay, rations, and emoluments as the principal forage-master; and each of his deputies, the same pay, rations, and emoluments as is by law allowed to a deputy forage-master.

SEC. 3. That in addition to the allowance made to the quartermaster-general and commissary-general respectively, in and by the act hereby amended, it shall and may be lawful for the secretary for the department of war, for the time being, to allow to them respectively, such sums as in his opinion shall have been actually and necessarily expended in their several departments for office rent, fuel, candles, and extra clerk hire.

SEC. 4. That the quartermaster-general, the deputy quartermaster, and the assistant deputy quartermasters, shall, before they or either of them enter upon the duties of their appointment, respectively enter into bond with sufficient security, to be approved of by the secretary at war, conditioned for the faithful expenditure of all public moneys, and accounting for all public property, which may come to their hands respectively: and the quartermaster-general shall not be liable for any money or property that may come into the hands of the subordinate officers of his department.

SEC. 5. That the sixth[1] section of the act hereby amended be, and the same is hereby, repealed.

[*Approved, May* 22, 1812.]

See March 28, 1812, chap. 46, April 14, 1818, chap. 61, and May 18, 1826, chap. 14.

[1] Inhibiting from trade, 28 March, 1812, chap. 46.

CHAPTER 102.—Approved, June 18, 1812.—Vol. 2, p. 755.

An Act declaring war between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their Territories.

That war be, and the same is hereby, declared to exist between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their Territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States, commissions, or letters of marque and general reprisal, in such form as he shall think proper, under the seal of the United States, against the vessels, goods, and effects of the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof.

CHAPTER 108.—Approved, June 26, 1812.—Vol. 2, p. 764.

An Act for the more perfect organization of the Army of the United States.[1]

That the infantry of the army of the United States shall consist of twenty-five regiments, and that a regiment shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies.

SEC. 2. That each company shall consist of one captain, one first lieutenant, one second lieutenant, one ensign, four sergeants, six corporals, two musicians, and ninety privates.

SEC. 3. That, to the regiment of cavalry, authorized by the act, passed January 11, 1812, entitled "An act to raise an additional military force,"[2] there shall be added one riding-master; and to the regiment of light dragoons authorized by the act, passed April 12, 1808, entitled "An act to raise for a limited time an additional military force,"[3] one surgeon's mate.

SEC. 4. That each troop of cavalry, or light dragoons, shall consist of one captain, one first lieutenant, one second lieutenant, one cornet, four sergeants, six corporals, two musicians, one master of the sword, one saddler, one farrier, one blacksmith, and sixty-four privates; and the pay and emolument of a master of the sword shall be the same as those of a riding-master, and the pay and emolument of a blacksmith shall be the same as those of a farrier.

SEC. 5. That the military establishment authorized by law previous to the 12th day of April, 1808, and the additional military force raised by virtue of the act of the 12th of April, 1808, be and the same are hereby incorporated; and that, from and after the passing of this act, the promotions shall be made through the lines of artillerists, light artillery, dragoons, riflemen, and infantry, respectively, according to established rule.

[1] This act, with the exception of that part of sec. 5 which relates to the rule of promotions, is superseded by the act of 3 March, 1815, chap. 79; but all of sec. 5 repealed by sec. 12, chap. 37, 30 March, 1814, *post.*

[2] Chap. 14.

[3] Chap. 43.

CHAPTER 113.—Approved, July 1, 1812.—Vol. 2, p. 769.

An Act supplementary to an Act entitled "An Act[1] *more effectually to provide for the organization of the Militia of the District of Columbia."*

1. Legionary musters. 3. Battalion courts of inquiry. 4. Collection of fines. 6. Squadron courts of inquiry. Cavalry to be subject to legionary courts, &c. Proviso. 7. Orders in relation to uniform issued through the brigadier-general to be obeyed. 8. Arms exempt from taxation or execution.

That, from and after the passage of this act, the muster of each legion, required to be held by the act[2] to which this is a supplement, in each year, may be held in either the month of October or November, as the commanding officer of the brigade may appoint.

SEC. 2. That so much of the eleventh section of the act[3] to which this is a supplement, as requires that there shall be a muster of each troop of cavalry and company of militia comprehending the companies made up by voluntary enrolment, in the months of July, August, and November, and all the twenty-second section of the said act, be and the same are hereby repealed.

SEC. 3. That the battalion courts of inquiry, mentioned in the eighth section of said act, shall be held in the months only of July and November in each year; and the legionary courts of inquiry, mentioned in the said section, shall be respectively held in not less than ten nor more than twenty days after each battalion court of inquiry: *Provided, however*, That the commanding officer of each legion shall be and is hereby empowered to appoint and convene legionary courts extraordinary, which may exercise all or any of the powers, and perform all or any of the duties, of the ordinary legionary courts of inquiry, except the power of assessing fines incurred by the officers of the legion, for any delinquency or neglect of duty, other than failing to attend such legionary courts extraordinary.

SEC. 4.[4] That all fines to be assessed under the authority of the act last aforesaid, shall be certified by the clerks of the legionary and battalion courts of inquiry respectively, by which the same shall be assessed, to the marshal of the District of Columbia, and, so certified, shall be delivered to the marshal within

[1] Act of March 3, 1803, chap. 20. [2] Ibid. [3] Ibid.

[4] This virtually repeals the 22d sec. of chap. 20, 3 March, 1803, appointing a collector of fines, &c.

fifteen days after the sitting of the court empowered finally to determine, and he shall give a receipt therefor. The said marshal shall forthwith proceed to collect the said fines, and (should any person fail to make payment when called on) to levy the amount with costs by distress and sale of the goods and chattels of the delinquent; which costs and manner of proceeding shall be the same as in other cases of distresses. And where there are no goods or chattels to be found whereof to levy the said fines, the marshal shall commit such delinquent to jail, and hold him in close confinement during the term of twenty-four hours, for each and every fine by him payable, (unless the same shall be sooner paid,) in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed; and the marshal shall account for all the fines, and pay such as have been by him levied, to the paymaster of the legion, from which he shall have received the certified lists, within six months after said lists may have been delivered to him, respectively deducting from the amount so to be paid, twelve and a half per centum as a compensation for his trouble; and, in case of failure, the same shall be recovered by motion in the circuit court of the District of Columbia, in either county of said district, in the name of the paymaster of said legion, with twelve and a half per centum damages, and legal interest on the amount from the time it ought to have been paid, and costs of suit: *Provided*, The marshal shall have had ten days' notice of such motion. And should it happen in any case, during the pendency of proceedings and before payment is made by the marshal, that the paymaster in whose name the proceedings are going on, should be removed from his office or station, it shall not abate or in any manner interrupt or affect the proceedings, but the name of the succeeding paymaster may be substituted until the proceedings are formally closed.

SEC. 5. That where any fine or fines shall have been collected or imposed, the delinquent shall be at liberty, at any time within twelve months after such imposition, to apply to any of the legionary courts to return or remit the same, and the court is hereby empowered to make such order in the case as may seem to them, or a majority of them, to be right and just.

SEC. 6. That squadron courts of inquiry, for the squadron of cavalry within the District of Columbia, shall be separately held

within the said district; but whenever a legionary court of inquiry, as heretofore by law directed, shall be held, the cavalry within the limits of the legion for which such court may be held, shall be within and subject to its jurisdiction and authority; and the commanding officers of the squadron and companies of cavalry shall be members of such legionary court for the legion within which they shall respectively reside: *Provided, however*, That when the cavalry shall have been established or formed into a separate legion, there shall be separate legionary courts held by and for them, at some place within the district; both the squadron and legionary courts of cavalry to be respectively for similar purposes, to be appointed and constituted in a similar manner, and to be subject to the same rules and regulations as the battalion and legionary courts authorized and directed by the act to which this is a supplement.

SEC. 7. That all orders in relation to the procuring or wearing of such uniform and equipments, or either of them, as shall have been previously determined on, which shall be issued and communicated by the brigadier-general to the officers of the brigade, or any of them, shall be forthwith obeyed; and for every disobedience of any such order the delinquent shall be subject to the penalty or fine prescribed in the twenty-seventh[1] section of the said act to which this is a supplement, besides being subject to arrest.

SEC. 8. That the arms and other equipments belonging to an officer, non-commissioned officer, or private, be exempt from taxation or execution.

[*Approved, July* 1, 1812.]

CHAPTER 119.—Approved, July 1, 1812.—Vol. 2, p. 774.

An Act supplementary to "An Act[2] authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States."

That the President of the United States be, and he is hereby, authorized to raise one additional company of rangers, when he may deem it necessary for the public service, under the same provisions, conditions, and restrictions of the act to which this is a supplement.

[1] Act of 3 March, 1803, chap. 20.

[2] Act of 2 January, 1812, chap. 11. See chap. 31, 25 Feb. 1812, chap. 41, 2 Aug. 1813, chap. 131, 15 June, 1832, and sec. 4, chap. 76, 2 March, 1833.

SEC. 2. That, for defraying the expenses thereof, the sum of $11,250 be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

[*Approved, July* 1, 1812.]

CHAPTER 133.—Approved, July 6, 1812.—Vol. 2, p. 782.

An Act respecting the pay of the Army of the United States.[1]

That the officers, non-commissioned officers, musicians, and privates, of the army of the United States, shall receive the same pay, forage, rations, clothing, and other emoluments, as the officers of the same grade and corps, non-commissioned officers, musicians, and privates, are entitled to by the act entitled "An act to raise, for a limited time, an additional military force,"[2] passed April 12, 1808; and to the aid-de-camp of a brigadier, to a brigade-quartermaster, brigade-inspector, and adjutant, there shall be allowed forage[3] for one horse only, or, in lieu thereof, $10 per month; and to the brigade-majors, under the act[4] passed January 11, 1812, there shall be allowed forage for one horse, or, in lieu thereof, $10 per month; *and the pay of a quartermaster-sergeant shall be* $9 *per month.*[5]

CHAPTER 137.—Approved, July 6, 1812.—Vol. 2, p. 784.

An Act making further provisions for the Army of the United States, and for other purposes.[6]

4. Brevet rank. No additional pay, &c., unless to commanders of separat eposts, &c.

That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint two brigadier-generals,[7] in addition to those already authorized by law, who shall each be entitled to the same number of aids and brigade-majors as are allowed to a brigadier-general under the act of Congress passed the 11th of January, 1812. And the said brigadier-generals, aids, and brigade-majors, shall be entitled to receive the same pay and emoluments as are by law allowed to officers of the same grade.

SEC. 2. That to any army of the United States, other than that in which the adjutant-general,[8] inspector-general, quartermaster-general, and paymaster of the army shall serve, it shall be lawful for the President to appoint one deputy adjutant-general, one deputy inspector-general, one deputy quartermaster-general, and one deputy paymaster-general, who

[1] Superseded by act of 3 March, 1815, chap. 79, which adopts the provisions of the same act in respect to pay, &c.

[2] Chap. 43, *ante.*

[3] See 22 July, 1813, chap. 17.

[4] Chap. 14.

[5] $17 by act of July, 1838, chap. 162, sec. 16.

[6] The first and second sections of this act, relating to organization and pay, are superseded by the provisions of the act of 3 March, 1815, chap. 79.

[7] See, as to brigadiers, the act reorganizing the army, 2 March, 1821, chap. 13, and the 16 March, 1802, chap. 9, n., and see sec. 3, chap. 24, 29 July, 1861.

[8] See, for adjutant-general, the 2 March, 1821, chap. 13, sec. 6, and see sec. 2, chap 42, 3 Aug. 1861.

shall be taken from the line of the army, and who shall, each, in addition to his pay and other emoluments, be entitled to $50 per month, which shall be in full compensation for his extra services. And that there shall be, to each of the foregoing deputies, such number of assistant deputies (not exceeding three to each department) as the public service may require, who shall, in like manner, be taken from the line, and who shall, each, be entitled to $30 per month, in addition to his pay and other emoluments, which shall be in full compensation for his extra services: *And provided, also,* That the President of the United States be, and he is hereby, authorized to appoint any of the officers named in this act during the recess of the Senate, to be submitted to the Senate, at their next meeting, for their advice and consent.

SEC. 3. That all letters and packages to and from the adjutant-general and inspector-general shall be free from postage.[1]

SEC. 4. That the President is hereby authorized to confer[2] brevet rank on such officers of the army as shall distinguish themselves by gallant actions or meritorious conduct, *or who shall have served ten years in any one grade:*[3] *Provided,* That nothing herein contained shall be so construed as to entitle officers so breveted to any additional pay or emoluments, *except*[4] *when commanding separate posts, districts, or detachments,* when they shall be entitled to, and receive, the same pay and emoluments to which officers of the same grades are now or hereafter may be allowed by law.

SEC. 5.[5] That the officers who shall not take waiters from the line of the army shall receive the pay,[6] clothing, and subsistence allowed to a private soldier, for as many waiters as they may actually keep, not exceeding the number allowed by existing regulations.

[*Approved, July* 6, 1812.]

CHAPTER 138.—Approved, July 6, 1812.—Vol. 2, p. 785.

An Act[7] *supplementary to the Act entitled "An Act*[8] *authorizing the President of the United States to accept and organize certain volunteer military corps."*

That in all cases where volunteers have offered or hereafter shall offer

[1] By the Post-office law of 3 March, 1845, chap. 43, sec. 3, the franking privilege was abolished, and in consideration of an annual payment by the Treasury to the Post-office Department, the mails of the several Executive Departments are to be transmitted as before, upon the endorsement of the proper officer that it is on "official business."

[2] With consent of the Senate, the 16 April, 1818, chap. 64, sec. 2.

[3] This clause in italics repealed by the 30 June, 1834, chap. 132, sec. 9.

[4] When on duty, and having command, by the 16 April, 1818, chap. 64.

[5] This section as to waiters is supplied by 30 March, 1814, chap. 37, secs. 9 and 10, and the 24 April, 1816, chap. 69, sec. 12.

[6] See chap. 200, July, 1862.

[7] Repealed by chap. 16, sec. 18, 29 Jan. 1813.

[8] Chap. 21, 26 Feb. 181.

their services to the United States, under the act entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," it shall be lawful for the President of the United States to appoint and commission officers thereto, by and with the advice and consent of the Senate, any thing in the said act to the contrary notwithstanding: *Provided*, That prior to the issuing of such commissions, the volunteers aforesaid shall have signed an enrolment binding themselves to service, conformably to the provisions of the act to which this is a supplement.

SEC. 2. That the President be, and he is hereby, authorized to form the corps of volunteers into battalions, squadrons, regiments, brigades, and divisions, and to appoint thereto, by and with the advice and consent of the Senate, general, field, and staff officers, conformably with the military establishment of the United States, and who shall be entitled to the pay and emoluments of officers of a similar grade and corps in the army of the United States.

SEC. 3. That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint all the officers authorized by this act, which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

SEC. 4. That in case the volunteers, when their term of service shall have expired, shall deliver their stand of arms and accoutrements in good order to the proper officer, they shall be entitled to receive in lieu thereof $10 for every stand of arms so delivered.

[*Approved, July* 6, 1812.]

CHAPTER 4.—Approved, December 12, 1812.—Vol. 2, p. 788.

An Act increasing the pay of the non-commissioned officers, musicians, privates, and others of the Army, and for other purposes.[1]

That from and after the 31st day of December, 1812, the monthly pay of the non-commissioned officers, musicians, privates, drivers, bombardiers, matrosses, sappers, miners, artificers, saddlers, farriers, and blacksmiths, who have enlisted, or shall hereafter enlist, in the service of the United States, shall, during the continuance of the war between the United States of America, and their territories, and the United Kingdom of Great Britain and Ireland and the dependencies thereof, be as follows, to wit: To each sergeant-major and quartermaster sergeant, $12; to each sergeant and principal musician, $11; to each corporal, $10; to each musician, $9; to each private, driver, bombardier, matross, sapper, and miner, $8; to each artificer, saddler, farrier, and blacksmith not attached to the quartermaster-general's and ordnance department, $13.

SEC. 2. That, during the continuance of the war with Great Britain, no non-commissioned officer, musician, private, driver, bombardier, matross, sapper, miner, artificer, saddler, farrier, or blacksmith, enlisted in the service of the United States, during his continuance in service, shall be arrested, or subject to arrest, or to be taken in execution, for any debt before or after enlistment.

[1] Rendered obsolete by the termination of the war. For pay, subsequently, see provisions of the act of 3 March, 1815, chap. 79, and chap. 247, 4 Aug. 1854, and for privates see sec. 1, chap. 63, 6 Aug. 1861.

SEC. 3. That every non-commissioned officer, musician, and private, who shall, after the promulgation of this act, be recruited in the regular army of the United States, may, at his option, to be made at the time of enlistment, engage to serve during the present war with Great Britain, instead of the term of five years; and shall, in case he makes such option, be entitled to the same bounty in money and land, and to all other allowances, and be subject to the same rules and regulations, as if he had enlisted for the term of five years.

[*Approved, December* 12, 1812.]

CHAPTER 12.—Approved, January 20, 1813.—Vol. 2, p. 791.

An Act[1] *supplementary to the Act entitled "An Act for the more perfect organization of the army of the United States."*[2]

That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint one additional major to the first regiment of light dragoons, the regiment of light artillery, each regiment of infantry, and the rifle regiment in the army of the United States, who shall receive the like pay, rations, forage, and other emoluments, as officers of the same grade and corps of the present establishment.

SEC. 2. That there be appointed, in manner aforesaid, one third lieutenant to each troop or company in the army of the United States, who, if of cavalry or light dragoons, shall receive the monthly pay of $30, and of other corps, $23, and be allowed the same forage, rations, and other emoluments as second lieutenants of the same corps to which they belong.

SEC. 3. That there be allowed to each troop or company in the army of the United States, one additional sergeant, who shall receive the like pay, clothing, rations, and other emoluments, as sergeants of the present military establishment.

SEC. 4. That in order to complete the present military establishment to the full number authorized by law, with the greatest possible despatch, there shall be paid to each effective, able-bodied man, who shall be duly enlisted into the service of the United States, after the 1st day of February next, to serve for the term of five years, or during the war, an advance of $24, on account of his pay, in addition to the existing bounty, one half of such advance to be paid at the enlistment of the recruit, and the other half when he shall be mustered, and have joined some military corps of the United States, for service; and a bounty of one hundred and sixty acres of land, as heretofore established by law.[3]

SEC. 5. That the commissioned officers who shall be employed in the recruiting service shall be entitled to receive for every effective, able-bodied man, who shall be duly enlisted after the 1st day of February next,

[1] The 1st, 2d, and 3d sections, as to additional majors, lieutenants, and sergeants, are supplied by the 2 Mar. 1821, chap. 13, and the bounty of $24 and 160 acres of land, of the 4th section, and no enlistment without consent of parents, of the 5th section, &c., are repealed and supplied fully by subsequent acts.

[2] This act, except sec. 6, is superseded by that of 3 March, 1815, fixing the peace establishment of the United States.

[3] So much of this section as relates to an advance of pay to recruits was specially repealed by 27 Jan. 1814, chap. 7, sec. 1.

by them, for the term of five years, or during the war, and mustered, and between the ages of eighteen and forty-five years, the sum of $4: *Provided, nevertheless*, That this regulation, so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers who may re-enlist into the service: *And provided, also*, That no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing,[1] of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

SEC. 6.[2] That it shall be lawful for any person, during the time he may be performing a tour of militia duty, to enlist in the regular army of the United States; and the recruiting officers are hereby authorized to enlist any such person, in the same manner, and under the same regulations, as if he were not performing such militia duty; and every person who shall enlist, while performing a tour of militia duty as aforesaid, shall be thereby exonerated from serving the remainder of said tour; and the state to which he may belong shall not be required to furnish any other person to serve in his stead.

[*Approved, January* 20, 1813.]

CHAPTER 16.—Approved, January 29, 1813.—Vol. 2, p. 794.

An Act in addition to the Act entitled "An Act to raise an additional military force," and for other purposes.[3]

That, in addition to the present military establishment of the United States, there be raised such number of regiments[4] of infantry, not exceeding twenty, as, in the opinion of the President, may be necessary for the public service, to be enlisted for the term of one year, unless sooner discharged.[5]

SEC. 2. That each of the said regiments shall consist of one colonel, one lieutenant-colonel, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies.

SEC. 3. That each company shall consist of one captain, one first lieu-

[1] Repealed by sec. 3, chap. 10, 10 Dec. 1814; and see sec. 5, chap. 78, 20 Sept. 1850.

[2] The 6th section of this act is the only section in force.

[3] Superseded by the provisions of the act of 3 March, 1815, fixing the peace establishment.—See chap. 79: sec. 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, are the same as sec. 10, 11, 13, 14, 15, 16, 18, 20, 22, and 24, of chap. 14, 11 January, 1812.

[4] Ten companies of rangers authorized by chap. 31, 25 February, 1813, in lieu of one of the regiments provided for in this act.

[5] See chap. 4, 5 July, 1813, sec. 1.

tenant, one second lieutenant, one third lieutenant, one ensign, five sergeants, six corporals, two musicians, and ninety privates.

SEC. 4. That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint such of the officers authorized by this act, as may not be appointed during the present session; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

SEC. 5. That all the officers, non-commissioned officers, musicians, and privates, authorized by this act, shall receive the like pay, forage, rations, clothing, and other emoluments (the land and bounty excepted) as the officers of the same grade and corps, non-commissioned officers, musicians, and privates, of the present military establishment.

SEC. 6. That the officers, non-commissioned officers, musicians, and privates, of the regiments hereby authorized to be raised, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, or by such rules and articles as may be hereafter by law established.

SEC. 7. That the commissioned officers, who shall be employed in recruiting the force authorized by this act, shall be entitled to receive, for every person enlisted by them into this service, for the term specified, and approved by the commanding officer of the regiment, and between the ages of eighteen and forty-five years, the sum of $2: *Provided, nevertheless,* That this regulation, so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers who may re-enlist into the service: *And provided, also,* That no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

SEC. 8. That there shall be allowed and paid to each man recruited as aforesaid, a bounty of $16; but the payment of $8 of the said bounty shall be deferred until he shall be mustered, and have joined some military corps of the United States.

SEC. 9. That the said regiments shall be paid in such manner that the arrears shall at no time exceed two months, unless the circumstances of the case shall render it unavoidable.

SEC. 10. That if any officer, non-commissioned officer, musician, or private, shall be disabled, by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pension and under such regulations as are or may be directed by law: *Provided, always,* That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars per month: *And provided, also,* That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.[1]

SEC. 11. That if any commissioned officer shall, while in the service of

[1] See sec. 3, 2 Feb. 1813, chap. 18.

the United States, die, by reason of any wound received in actual service of the United States, and leave a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; but, in case of the death or intermarriage of such widow before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer: *Provided, always*, That such half pay shall cease on the decease of such child or children.

SEC. 12. That if any non-commissioned officer, musician, or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court-martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

SEC. 13. That every officer, non-commissioned officer, musician, and private, shall take and subscribe the following oath or affirmation, to wit: "I, A. B., do solemnly swear, or affirm, (as the case may be,) that I will bear true faith and allegiance to the United States of America; and that I will serve them honestly and faithfully against their enemies or opposers whomsoever; and that I will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

SEC. 14. That where any commissioned officer shall be obliged to incur any extra expense, in travelling and sitting on general courts-martial, he shall be allowed a reasonable compensation for such extra expense actually incurred, not exceeding $1.25 per day to officers who are not entitled to forage, and not exceeding $1 per day to such as shall be entitled to forage.

SEC. 15. That whenever any officer or soldier shall be discharged from the service, except by way of punishment for an offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day.

SEC. 16. That there shall be appointed to each brigade one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

SEC. 17. That no field or staff officer, who may be appointed by virtue of this act, shall be entitled to receive any pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein.

SEC. 18. That the act entitled "An act[1] authorizing the President of the United States to accept and organize certain volunteer military corps," and the act entitled "An act[2] supplementary to the act entitled 'An act authorizing the President of the United States to accept and organize certain volunteer military corps,'" be, and the same are hereby, repealed, from and after the 1st day of February next: *Provided*, That nothing herein contained shall be so construed as to deprive the officers and men who may have entered the service as volunteers, under the said acts, of any rights, immunities, or privileges therein secured, or the United States of the services of such volunteers, agreeably to the provisions of said acts.

[*Approved, January* 29, 1813.]

[1] Chap. 21, 6 February, 1812. [2] Chap. 138, 6 July, 1812.

CHAPTER 18.—Approved, February 2, 1813.—Vol. 2, p. 797.

An Act supplementary to an Act entitled "An Act[1] *to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the Act now in force for those purposes," and to increase the pay of Volunteer and Militia Corps.*

That, in every case in which a court-martial shall have adjudged and determined a fine against any officer, non-commissioned officer, musician, or private, of the militia, for any of the causes specified in the act to which this act is a supplement, or in the fourth section of an act entitled "An Act to authorize a detachment from the militia of the United States,"[2] all such fines so assessed shall be certified to the comptroller of the treasury of the United States, in the same manner as the act to which this act is a supplement directed the same to be certified to the supervisor of the revenue.

SEC. 2. That the marshals shall pay all fines which have been levied and collected by them, or their respective deputies, under the authority of the acts herein referred to, into the treasury of the United States, within two months after they shall have received the same, deducting five per centum for their own trouble; and in case of failure it shall be the duty of the comptroller of the treasury to give notice to the district attorney of the United States, who shall proceed against the said marshal in the district court, by attachment, for the recovery of the same.

SEC. 3.[3] That the non-commissioned officers, musicians, and privates, of volunteer and militia corps, who, subsequent to the 31st day of December, 1812, shall have been, or may hereafter be, called out, while in the service of the United States, shall, during the continuance of the present war between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories, be entitled to and receive the same monthly pay, rations, and forage, and furnished with the same camp equipage, as are or may be provided by law for the non-commissioned officers, musicians, and privates of the army of the United States.

[1] Chap. 36, 28 February, 1795, *ante*.

[2] The section quoted does not specify any additional cause of fine, but merely declares the detachments to which it relates subject to the penalties of the "Act for calling forth the Militia," &c., 28 Feb. 1795, chap. 36. See chap. 82, 18 April, 1814.

[3] This section expired with the war.

CHAPTER 24.—Approved, February 24, 1813.—Vol. 2, p. 801.

An Act making provision for an additional number of general officers.[1]

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint six major-generals in addition to those already authorized by law; each of whom shall be allowed two aids-de-camp, to be taken from the officers of the line; and six brigadier-generals, who shall be allowed a brigade-major and one aid-de-camp each, to be taken also from the officers of the line.

SEC. 2. That the officers authorized by this act shall receive the same pay, forage, rations, and other emoluments as the officers of the same grade of the present military establishment.

CHAPTER 31.—Approved, February 25, 1813.—Vol. 2, p. 804.

An Act to raise ten additional companies of rangers.

That the President of the United States be, and he is hereby, authorized to raise ten additional companies of rangers, on the same provisions, conditions, and restrictions as those authorized to be raised by "An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States,"[2] which said companies shall be in lieu of one of the regiments authorized to be raised by the act in addition to the act entitled "An act to raise an additional military force, and for other purposes,"[3] passed the 29th day of January, 1813.

CHAPTER 48.—Approved, March 3, 1813.—Vol. 2, p. 816.

An Act the better to provide for the supplies of the army of the United States, and for the accountability of persons intrusted with the same.[4]

That the third section of the act, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes,"[5] passed on the 2d day of April, 1794, be, and the same is hereby, repealed, from and after the 31st day of March, 1813.

SEC. 2. That there shall be a superintendent-general of military supplies,[6] who shall reside at the seat of government, and receive an annual salary of $3000; and whose duty it shall be, under the direction of the secretary for the war department, to keep proper accounts of all the military stores

[1] Superseded by the provisions of the act of 3 March, 1815, fixing the peace establishment, chap. 76.

[2] Act of 2 January, 1812, chap. 11.

[3] Chap. 16; and see chap. 41, 2 August, 1813, for organization; also chap. 131, 15 June, 1832, and sec. 4, chap. 76, 2 March, 1833, and 3 March, 1815, chap. 79.

[4] The 8th and 9th sections of this act were superseded by act of 3 March, 1815, chap. 79. The residue, with the exception of sec. 5, was repealed by act of 3 March, 1817, chap. 45. Sec. 5 confers general powers without limitation as to time, and does not appear liable to be repealed incidentally.

[5] Chap. 14.

[6] Abolished by sec. 1, chap. 45, 3 March, 1817.

and supplies of every description purchased or distributed for the use of the army of the United States, and of the volunteers and militia in their service; to prescribe the forms of all the returns and accounts of such stores and supplies purchased, on hand, distributed, used, or sold, to be rendered by the commissary of ordnance and officers in his department, by the commissary-general of purchases and his deputies, by the several officers in the quartermaster-general's department, by the regimental quartermasters, by the hospital surgeons and other officers belonging to the hospital and medical departments, and by all other officers, agents, or persons who shall have received, distributed, or been intrusted with, such stores and supplies, as aforesaid; to call to account all such persons; to audit and settle all such accounts, and, in case of delinquency, to transmit the account, and to state the value of the articles unaccounted for by such delinquency, to the accounting officers of the treasury, for final settlement and recovery of such value; to transmit all such orders, and, generally, to perform all such other duties, respecting the general superintendence of the purchase, transportation, safe keeping, and accountability of military supplies and stores, as aforesaid, as may be prescribed by the secretary for the war department.

SEC. 3. That the commissary-general of purchases and his deputies, the several officers in the quartermaster's department, the regimental quartermasters, the commissary of ordnance, his assistant and deputies, the principal hospital surgeons and officers belonging to the hospital and medical departments, and all other officers, agents, or persons, who shall have received, or may be intrusted with, any stores or supplies, of any description whatever, for the use of the army of the United States, and of the volunteers or militia in their service, shall render quarterly accounts of the disposition and state of all such stores and supplies to the superintendent aforesaid; and shall also make such other returns respecting the same, and at such other times, as the secretary for the war department may prescribe: *Provided, however*, That the accounts and returns thus rendered shall relate to the articles of supply only, which may have been received and disposed of, or as may remain on hand, and shall not embrace the specie accounts for moneys disbursed by such officers, agents, or other persons; which specie accounts shall be rendered, as heretofore, to the accountant for the war department.

SEC. 4. That the officers, agents, or other persons, who may receive money in advance from the war department, shall render quarterly accounts to the accountant of the said department, of their specie receipts and disbursements, and shall, moreover, make such other monthly summary statements thereof to the secretary of the said department, as he may prescribe. And the quarterly accounts of supplies, or of moneys rendered as aforesaid, shall be, respectively, settled by the superintendent-general of military supplies, and by the accountant of the war department, according to their respective authorities, within three months after the time when such accounts shall have, respectively, been rendered to them.

SEC. 5. That the secretary for the war department shall be, and he is hereby, authorized and directed to define and prescribe the species, as well as the amount, of supplies to be respectively purchased by the commissary-general's and quartermaster-general's departments, and the respective duties and powers of the said departments respecting such purchases; and also to adopt

and prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental quartermasters, and to such other officers as may, by virtue of such regulations, be intrusted with the same. And the secretary aforesaid is also authorized to fix and make reasonable allowances for the store rent, storage, and salary of storekeepers necessary for the safe keeping of all military stores and supplies.

SEC. 6. That the superintendent-general of military supplies shall be appointed by the President, with the advice and consent of the Senate; but the President is hereby authorized to make the appointment during the recess of the Senate; which appointment shall be submitted to the Senate at their next meeting, for their advice and consent.

SEC. 7. That the superintendent-general of military supplies shall be authorized to employ a sufficient number of clerks: *Provided*, That their annual compensation shall not exceed, in the whole, $7000; and the sum of $8000 is hereby appropriated for paying the said compensation, and that of the superintendent aforesaid, during the year 1813, to be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 8. That the President of the United States be, and he is hereby, empowered, as he may deem it expedient, either to appoint, for the time being, a special commissary or commissaries, for the purpose of supplying by purchase or contract, and of issuing, or to authorize any officer or officers in the quartermaster-general's department to supply and issue, as aforesaid, the whole or any part of the subsistence of the army, in all cases where, either from the want of contractors, or from any deficiency on their part, or from any other contingency, such measure may be proper and necessary in order to insure the subsistence of the army, or of any part thereof; and such special commissaries shall, each, whilst employed, be entitled to the pay and emoluments of a deputy quartermaster-general.

SEC. 9. That the President of the United States be, and he is hereby, authorized to appoint not exceeding six assistant commissaries, to be attached to such army, or to reside at such places, respectively, as the secretary for the war department may direct, for the purpose of receiving from the commissary-general of purchases, or from his deputies, and of distributing to the regimental quartermasters, and to such officers as may, by the secretary aforesaid, be designated, the clothing and other supplies purchased by the commissary-general aforesaid, or his deputies, and destined for the use of the troops belonging to the army, or in the vicinity of the place to which such assistant commissaries may respectively be attached. And said assistant commissaries shall, whilst employed, be entitled to the pay and emoluments of a deputy quartermaster-general.

[*Approved, March* 3, 1813.]

CHAPTER 52.—Approved, March 3, 1813.—Vol. 2, p. 819.

An Act for the better organization of the General Staff of the Army of the United States.[1]

2. Brigadier-general may be assigned to principal army to act as adjutant, &c. 8. Forage, wagon, barrack masters, and artificers. 10. Repealing clause. 11. Letters to and from what officers, free of postage.

That[2] the adjutant-general's, inspector-general's, and quartermaster-general's departments shall consist of the following officers: that is to say, an adjutant and inspector-general, with the rank, pay, and emoluments of a brigadier-general, and not exceeding eight adjutants-general, sixteen assistant adjutants-general, eight topographical engineers, eight assistant topographical engineers, eight inspectors-general, sixteen assistant inspectors-general, eight quartermasters-general, eight deputy quartermasters-general, and thirty-two assistant deputy quartermasters-general.

SEC. 2. That the President of the United States be, and is hereby, authorized, if he shall deem it expedient, to assign one of the brigadiers-general to the principal army of the United States, who shall, in such case, act as adjutant and inspector general, and as chief of the staff of such army; and the quartermaster-general attached to the principal army shall, as heretofore, have the brevet rank and the pay and emoluments of a brigadier-general.

SEC. 3.[3] That all the other adjutants-general shall have the brevet rank and the pay and emoluments of a colonel of cavalry; all the other inspectors-general and quartermasters-general shall have the brevet rank and the pay and emoluments of a colonel of infantry; the assistant adjutants-general, assistant inspectors-general, deputy quartermasters-general, and topographical engineers, shall have the brevet rank and the pay and emoluments of a major of cavalry; and the assistant topographical engineers, and assistant deputy quartermasters-general, shall have the brevet rank and the pay and emoluments of a captain of infantry.

SEC. 4. That the assistant adjutants-general, the assistant inspectors-general, and the assistant topographical engineers, shall be taken from the line. The adjutants-general, inspectors-general, quartermasters-general, deputy quartermasters-general, topographical engineers, and assistant deputy quartermasters-general, may be taken from the line or not, as the

[1] This act was virtually repealed by that of the 3 March, 1815, chap. 79, fixing the peace establishment. All its provisions respecting pay, emoluments, and privileges were, however, re-established by the act of 24 April, 1816, chap. 69, sec. 9, for the staff therein authorized.

[2] The general staff is reorganized by the 2 March, 1821, chap. 13. See chap. 42, 3 August, 1861, for material changes in the organization of the Staff Departments.

[3] The pay and emoluments of the staff retained by the 24 April, 1816, chap. 69, and by the 2 March, 1821, chap. 13.

These sections, 3 and 4, seem fully supplied by those acts, and the 5 July, 1838, chap. 162, sections 7, 8, and 9.

President may deem expedient. And officers taken from the line, and transferred to the staff, shall receive only the pay and emoluments attached to the rank in the staff; but their transfer shall be without prejudice to their rank and promotion in the line according to their said rank and seniority; which promotion shall take place according to usage, in the same manner as if they had not been thus transferred.

Sec. 5. That it shall be the duty of the secretary of the war department, and he is hereby authorized, to prepare general regulations, better defining and prescribing the respective duties and powers of the several officers in the adjutant-general, inspector-general, quartermaster-general, and commissary of ordnance, departments of the topographical engineers, of the aids of generals, and generally of the general and regimental staff; which regulations, when approved by the President of the United States, shall be respected and obeyed, until altered or revoked by the same authority. And the said general regulations, thus prepared and approved, shall be laid before Congress at their next session.

Sec. 6.[1] That the number of assistant deputy commissaries of ordnance shall not exceed sixteen, and that they shall, respectively, be entitled to the brevet rank and to the pay and emoluments of a first lieutenant of infantry.

Sec. 7.[2] That, for the better superintendence and management of the hospital and medical establishment of the army of the United States, there shall be a physician and surgeon-general, with an annual salary of $2500, and an apothecary-general, with an annual salary of $1800; whose respective duties and powers shall be prescribed by the President of the United States.

Sec. 8. That the forage, wagon,[3] and barrack masters shall be appointed as heretofore; but each quartermaster-general attached to any separate army, command, or district, shall be authorized, with the approbation and under the direction of the secretary of the war department, to appoint as many such officers, and to employ as many artificers, mechanics, and laborers, as the public service may require.

Sec. 9.[4] That the assistant deputy quartermasters-general may be appointed, and officers taken from the line and transferred to the staff may be thus transferred, by the President of the United States alone. But all other new appointments authorized by this act shall be made by the President of the United States, with the advice and consent of the Senate. *Provided*, That, during the recess of the Senate, such appointments may be made by the President alone; in which case the same shall be laid before the Senate at their next session for their advice and consent.

Sec. 10. That every act, and every part of any act, of Congress now in force within the purview and meaning of this act, be, and the same are hereby, repealed.

[1] The ordnance was reorganized by the 8 Feb. 1815, and the 2 March, 1821, chap. 13.

[2] The medical staff was reorganized by the 2 March, 1821, chap. 13, sec. 10; and see the acts of July, 1862, Nos. 55, 80, 127.

[3] Feb. 24, 1813, chap. 24; as to forage and wagon masters, see the 5 July, 1838, chap. 162, sec. 1.

[4] This section (9) is supplied by the 5 July, 1838, chap. 162, sec. 9.

SEC. 11. That all letters and packets to and from the adjutant and inspector general, adjutants-general, inspectors-general, quartermasters-general, commissary-general of ordnance, physician and surgeon general, and apothecary-general, which relate to their official duties, shall be free from postage.[1]

SEC. 12. That the President of the United States be, and he is hereby, authorized to appoint any of the officers authorized by an act entitled "An act making provision for an additional number of general officers," passed the 24th day of February, 1813, during the recess of the Senate, to be submitted to the Senate at their next session for their advice and consent; and that no officer appointed, or who may be appointed, by virtue of the aforesaid act, shall be entitled to receive any pay or emolument until he shall be called into actual service, nor for any longer time than he shall be continued therein.

[*Approved, March* 3, 1813.]

RESOLUTION 2.—Approved, March 3, 1813.—Vol. 2, p. 830.

Resolution requesting the President of the United States to cause to be prepared and laid before Congress a system of military discipline.

That the President of the United States be, and he is hereby, requested to cause to be prepared and laid before Congress, as soon as practicable, a military system of discipline for the infantry of the army and militia of the United States.[2]

CHAPTER 4.—Approved, July 5, 1813.—Vol. 3, p. 3.

An Act to amend the "Act[3] in addition to the Act entitled 'An Act to raise an additional military force, and for other purposes.'"[4]

That five of the regiments which were authorized to be raised by "An act in addition to the act entitled 'An act to raise an additional military force, and for other purposes,'" passed the 29th day of January, 1813,[5] may, at the discretion of the President of the United States, be enlisted for and during the war, unless sooner discharged, and be limited, as to service, to the defence of the seaboard of the United States, or of such part thereof as the President may elect and determine.

SEC. 2. That each man recruited under the authority of this act be allowed the same bounty, in money and land,[6] as is allowed by law to men enlisted for five years, or for the war; and that the officers, non-commissioned officers, musicians, and privates shall receive the same pay, clothing, subsistence, and forage, be entitled to the same benefits, be subject to the same rules and regulations, and be placed, in every respect, on the same footing, as the other regular troops of the United States.

[1] Franking privilege abolished. See note to chap. 137, 6 July, 1812, *ante*.
[2] General Scott's system was adopted.
[3] 8 April, 1812, chap. 53.
[4] 11 January, 1812, chap. 14.
[5] Chap. 16.
[6] See 2 March, 1833, chap. 68, sec. 5.

CHAPTER 17.—Approved, July 22, 1813.—Vol. 3, p. 34.

An Act to regulate the allowance of forage to officers in the Army of the United States.[1]

That all officers in the military service of the United States, who are by law entitled to forage, shall receive, in lieu thereof, when not drawn in kind, an equivalent in money, at the rate of $8 per month for each horse to which they may be entitled: *Provided*, That no allowance shall be made to any officer for more horses than he shall actually employ in the public service.

CHAPTER 40.—Approved, August 2, 1813.—Vol. 3, p. 73.

An Act to provide for the widows and orphans of militia slain, and for militia disabled, in the service of the United States.

1. Widow and children of militia dying in service to have pension for five years.
2. Officers and privates disabled in service, placed on pension list, under April 10, 1806, chap. 25. Pensions not to exceed half pay.

That if any commissioned officer of the militia, or of any volunteer corps, shall, while in the service of the United States, die by reason of any wound received in actual service of the United States, and leave a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer: *Provided, always*, That such half pay shall cease on the death of such child or children.

SEC. 2. That if any officer, non-commissioned officer, musician, or private of the militia, or of any volunteer corps, shall be disabled by known wounds received in the actual service of the United States, while in the line of his duty, he shall, upon substantiating his claim in the manner described by an act entitled "An act to provide for persons who were disabled by known

[1] This act was superseded by that of 3 March, 1815, which adopted, in every respect, the provisions of 16 March, 1802, and 12 April, 1808, in regard to allowances. The provisions of this act were, however, again established by act of 24 April, 1816, sec. 12, chap. 69. Forage in kind *only*, by chap. 200, July, 1862.

wounds received in the revolutionary war,"[1] passed the tenth day of April, one thousand eight hundred and six, be placed on the list of invalids of the United States, at such rate of pension and under such regulations as are provided by the said act, or as may hereafter be provided by law: *Provided, always*, That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed for the highest rate of disability half the monthly pay of such officer at the time of his being wounded or disabled, and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars[2] per month: *And provided, also*, That all inferior disabilities shall entitle the person so disabled, to receive an allowance proportionate to the highest disability.

[*Approved, August* 2, 1813.]

April 16, 1816, ch. 55. See act July, 1862, "granting pensions."

CHAPTER 41.—Approved, August 2, 1813.—Vol. 3, p. 74.

An Act explanatory of an Act entitled "An Act[3] to raise ten additional companies of rangers."

That each of the ten companies authorized by the act entitled "An act to raise ten additional companies of rangers" shall consist of one captain, one first, one second, one third lieutenant, one ensign, five sergeants, six corporals, and ninety privates.

CHAPTER 45.—Approved, August 2, 1813.—Vol. 3, p. 74.

An Act to authorize the appointment, by the President, of certain officers during the recess of the Senate.

That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint such of the officers of the five regiments, authorized by the act entitled "An act in addition to the act entitled 'An act to raise an additional military force, and for other purposes,'"[4] and the act supplementary thereto, passed the 5th day of July, 1813,[5] as may not be appointed during the present session, which appointments shall be submitted to the Senate at their next session, for their advice and consent.

[1] Chap. 25, *ante*.
[2] Made $8 by act of 24 April, 1816.
[3] Chap. 31, 25 Feb. 1813.
[4] Chap. 16, 29 Jan. 1813.
[5] Chap. 4.

CHAPTER 50.—Approved, August 2, 1813.—Vol. 3, p. 75.

An Act supplementary to the Act entitled "An Act for the better Regulation of the Ordnance."[1]

That, in addition to the present number allowed by law, as many deputy commissaries of ordnance may be appointed, not exceeding five, as the President of the United States shall deem necessary to the public service; who shall be entitled to the same rank, pay, emoluments, rations, and forage, as are provided by the act to which this is a supplement.

CHAPTER 7.—Approved, January 27, 1814.—Vol. 3, p. 94.

An Act making further provision for filling the ranks of the Regular Army, encouraging enlistments, and authorizing the re-enlistments, for longer periods, of men whose terms of service are about to expire.[2]

That, in order to complete the present military establishment to the full number authorized by law, with the greatest possible despatch, there shall be paid, to each effective, able-bodied man who shall, after the 1st day of February next, be enlisted into the army of the United States, to serve for the term of five years, or during the war, at his election, in lieu of the bounty in money and of the three months' pay at the expiration of the service now allowed by law, the sum of $124; $50 of which to be paid at the time the recruit is enlisted, $50 when he shall be mustered and have joined some military corps for service, and $24 when he shall be discharged from service; and the wife and children, and, if he leave no wife or children, the parents, of such non-commissioned officer and soldier, enlisted as hereinbefore stated, who may be killed in action, or die in the service of the United States, shall be allowed and paid the sum of $24; and after the said 1st day of February next, so much of the fourth section of the act entitled "An act for the more perfect organization of the army of the United States,"[3] passed the 20th day of January, 1813, as allows to each able-bodied man enlisted into the service of the United States, in the manner therein stated, an advance of $24 on account of his pay, shall be, and the same is hereby, repealed.

SEC. 2. That the sum of $8 shall be paid to any non-commissioned officer, soldier, or citizen who shall, after the 1st day of February next, furnish and procure to be enlisted, according to law, an able-bodied man, to serve for the term of five years, or during the war.

SEC. 3. That every non-commissioned officer, musician, and private, who has been recruited in the regular army of the United States, under the authority of the act of the 8th of April, 1812, entitled "An act in addition to the act entitled 'An act to raise an additional military force, passed January 11th, 1812,'"[4] may be re-enlisted for the term of five years, or during the war; and that every non-commissioned officer, musician, and

[1] See original act, 14 May, 1812, with the note thereto.

[2] This act is superseded by that of 3 March, 1815, chap. 79, except so far as would affect the rights vested by the first section.

[3] Chap. 12.

[4] Chap. 14.

private, recruited under authority of the act of the 29th of January, 1813, entitled "An act in addition to the act entitled 'An act to raise an additional military force, and for other purposes,'"[1] may be re-enlisted for five years, or during the war.

SEC. 4. That the non-commissioned officers, musicians, and privates, re-enlisted under the authority of the preceding section, shall be entitled to the bounty allowed by this act to recruits for five years, or for the war.

[*Approved, January* 27, 1814.]

CHAPTER 9.—Approved, January 28, 1814.—Vol. 3, p. 96.

An Act authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for five years, or during the war.

That the President of the United States be, and he hereby is, authorized and empowered to cause to be enlisted for the term of five years, or during the war, the fourteen regiments of infantry which are now by law authorized to be enlisted for the term of one year, or such number of them, or of the troops composing the same, as in his opinion will best promote the public service.

SEC. 2. That each man enlisted under the authority of this act shall be allowed the same bounty, in money and land, as is now by law allowed to men enlisted for five years or during the war; and that the officers, non-commissioned officers, musicians, and privates shall receive the same pay, clothing, subsistence, and forage, be entitled to the same benefits, be subject to the same rules and regulations, and be placed, in every respect, on the same footing, as the other regular troops of the United States.

CHAPTER 11.—Approved, February 10, 1814.—Vol. 3, p. 96.

An Act to raise three regiments of riflemen.[2]

That there be immediately raised such number of regiments of riflemen, not exceeding three, as, in the opinion of the President, will best promote the military service, to serve for five years, or during the war, unless sooner discharged.

SEC. 2. That each regiment shall consist of one colonel, one lieutenant-colonel, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, one surgeon's mate, one sergeant-major, one quartermaster's sergeant, two principal musicians, and ten companies.

SEC. 3. That each company shall consist of one captain, one first lieutenant, one second lieutenant, one third lieutenant, and one ensign, five sergeants, four corporals, two musicians, and ninety privates.

SEC. 4. That each man recruited under the authority of this act, to be allowed the same bounty, in land and money, as is allowed by law to men enlisted for five years, or during the war; and that the officers, non-com-

[1] Chap. 16.

[2] Superseded by 3 March, 1815, chap. 79.

missioned officers, musicians, and privates shall receive the same pay, clothing, subsistence, and forage, be entitled to the same provisions for wounds or disabilities, the same benefits and allowances, and be placed, in every respect, on the same footing, as the other regular troops of the United States.

SEC. 5. That each company of the regiment of riflemen, authorized to be raised by the act of April 12, 1808, shall consist of ninety privates.

[*Approved, February* 10, 1814.]

CHAPTER 37.—Approved, March 30, 1814.—Vol. 3, p. 113.

An Act for the better organizing, paying, and supplying the Army of the United States.

6. Pay of the officers of artillery. 9. Officers' waiters. 10. How mustered and paid. 12. Promotions, how. 14. Pay, &c., not affected by captivity. Not after parole. 18. Rations and pay of the medical staff. 19. Aids of major-general and brigadiers, &c., from what drawn. 20. District pay and quartermasters not from the line.

[1]That the first, second, and third regiments of artillery be formed into one corps, and organized into twelve battalions, as follows, to wit: six lieutenant-colonels, six majors, twelve adjutants, twelve quartermasters, and forty-eight companies.

SEC. 2.[2] That each company shall consist of one captain, one first lieutenant, two second lieutenants, one third lieutenant, five sergeants, one quartermaster's sergeant, eight corporals, four musicians, and one hundred privates.

SEC. 3.[3] That the President be authorized to assign one of the two second lieutenants hereby provided for each company, as a conductor of artillery for said company, whose duty it shall be to receipt and account for all ammunition, implements, and cannon furnished by the ordnance department for said company, and to do and perform such other services as the war department may direct; and that, for the performance of these services, they be allowed each $10 extra pay per month.

SEC. 4.[4] That, in lieu of the two regiments of light dragoons now in service, there shall be organized one regiment, to consist of one colonel, one lieutenant-colonel, two majors, one adjutant, one quartermaster, one surgeon, two surgeon's mates, one sergeant-major, one quartermaster-sergeant, one principal musician, one principal farrier, and eight troops.

SEC. 5. That each troop shall consist of one captain, one first lieutenant, one second lieutenant, one third lieutenant, one cornet, five sergeants, eight

[1] This organization is continued by the 3 March, 1815, chap. 178, sec. 2; but see, as to privates, &c., the 23 Aug. 1842, chap. 186, and as to officers, the 20 April, 1818, chap. 102, sec. 1, and the 2 March, 1821, chap. 13, sec. 1. Organized into four regiments, by the 2 March, 1821, chap. 13, sec. 1.

[2] This sec. (2) is supplied by the 2 March, 1821, chap. 13, sec. 1.

[3] But one, by the 5 July, 1838, chap. 142, sec. 1, which seems to supply this provision as to conductors of artillery.

[4] On the reorganization by the 2 March, 1821, chap. 13, sec. 1, there were to be no dragoons, but a regiment of dragoons was established by the 2 March, 1833, chap. 76.

corporals, one riding-master, one master of the sword, two trumpeters or buglers, one farrier, one blacksmith, one saddler, and ninety-six privates.

SEC. 6. That the officers of the corps of artillery, and the regiment of light artillery, shall severally receive the same pay as is now provided[1] by law for the light dragoons in the service of the United States; and the subalterns of all other corps shall be allowed one ration in addition to the pay authorized by existing laws.

SEC. 7.[2] That there shall be allowed, annually, to each non-commissioned officer, musician, and private, in the corps of sea-fencibles, one blanket, one knapsack, and one canteen.

SEC. 8.[3] That the President of the United States be, and he hereby is, authorized to prescribe the quantity and kind of clothing to be issued annually to the troops of the United States.

SEC. 9. That, from and after the first day of June next, the officers of the army shall be entitled to waiters, agreeable to grade, as follows: a major-general, four waiters; a brigadier-general, three; a colonel, two; the physician and surgeon general, two; a lieutenant-colonel, major, and hospital surgeon, each, one; the officers of each company, three; every commissioned officer who holds a staff appointment which gives the rank of captain, or any higher grade, one; and to every company officer who commands a separate post or detachment, one; any law or regulation heretofore existing to the contrary, notwithstanding.

SEC. 10.[4] That no officer[5] shall be permitted to employ as a servant any soldier from the line of the army,[6] and that the servants of officers, not exceeding the number allowed by the preceding section, shall be mustered with some corps of the army, and that on the muster rolls formed in consequence thereof, payments shall be made in money[7] to the officers employing them, in lieu of wages, subsistence, and clothing, by the paymasters of the several corps or districts where such servants are mustered, at the rate allowed to privates of infantry, which shall

[1] The 12 April, 1808, chap. 43, sec. 4, *ante*. The regiments of cavalry, dragoons, and mounted riflemen are now denominated cavalry.

[2] Law establishing sea-fencibles repealed, 27 Feb. 1815, chap. 64, vol. 3, p. 219.

[3] Same provision, by the 24 April, 1816, chap. 67, sec. 7.

[4] This supplies sec. 5, 6 July 1812, vol. 1, p. 785, and the 16 March, 1802, sec. 5, as respects servants.

[5] Except company officers, 24 April, 1816, chap. 69, sec. 12.

[6] For penalty, see chap. 165, July, 1862.

[7] And see the 24 April, 1816, chap. 69, sec. 12.

be published to the army annually, by the secretary for the department of war.

SEC. 11.[1] That the President of the United States be authorized to appoint so many assistant apothecaries as the service may, in his judgment, require; each of whom shall receive the same pay and emoluments as a regimental surgeon's mate.

SEC. 12. That, from and after the passing of this act, promotions may be made through the whole army[2] in its several lines of light artillery, light dragoons, artillery, infantry, and riflemen respectively; and that the relative rank of officers of the same grade, belonging to regiments or corps already authorized, or which may be engaged to serve for five years or during the war, be equalized and settled by the war department, agreeably to established rules; and that so much of the act entitled "An act for the more perfect organization of the army of the United States," passed the twenty-sixth of June, one thousand eight hundred and twelve,[3] as comes within the purview and meaning of this act be, and the same is hereby, repealed.

SEC. 13. That, for the purpose of avoiding unnecessary expenses in the military establishment, the President of the United States be, and he is hereby, authorized, in case of failure in filling the rank and file of any regiment or regiments, to consolidate such deficient regiment or regiments, and discharge all supernumerary officers: *Provided*, That officers so discharged shall be allowed, in addition to the mileage already authorized by law, three months' pay to each.

SEC. 14. That every non-commissioned officer and private of the army, or officer, non-commissioned officer, and private of any militia or volunteer corps in the service of the United States, who has been or who may be captured by the enemy, shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled whilst in the actual service of the United States: *Provided*, That nothing herein contained shall be construed to entitle any prisoner of war, of the militia, to the pay and compensation herein provided after the date of his parole, other than the travelling expenses allowed by law.

[1] Abolished by the 2 March, 1821, chap. 13, sec. 10.
[2] How, formerly, see 26 June, 1812, chap. 108, sec. 5.
[3] Chap. 108.

SEC. 15.[1] That the five regiments which, by the first section of an act entitled "An act to amend the act in addition to the act entitled 'An act to raise an additional military force, and for other purposes,'" were authorized to be enlisted, at the discretion of the President of the United States, for and during the war, may be enlisted, at the option of the recruit, for five years, or for and during the war, unless, &c.

SEC. 16. That the commissary-general of ordnance may employ in his department, besides blacksmiths and wheelwrights, other mechanics, such as the public service may require, who shall, together with the said blacksmiths and wheelwrights, be mustered under the general denomination of artificers; and such artificers, being hereafter, or having been heretofore, enlisted to serve for the term of five years, or during the war, shall be entitled to the same annual allowance of clothing as is or may be provided for the soldiers of the army.

SEC. 17. That the laborers who may be hereafter enlisted to serve in the ordnance department, for the term of five years, or during the war, shall be entitled to a bounty of $25 in money, and the same annual allowance of clothing as is or may be provided for the soldiers of the army.

SEC. 18. That the physician and the surgeon general of the army be entitled to two rations per day, and forage for two horses; and that in addition to their pay, as at present[2] established by law, the regimental surgeons and regimental surgeons' mates be entitled to $15 per month each.

SEC. 19. That the aids-de-camp of major-generals shall be taken from the captains and[3] subalterns of the line; and the aids-de-camp[4] of brigadier-generals from the subalterns of the line; *and that it shall not be lawful to take more than one aid-de-camp from a regiment.*

SEC. 20.[5] That in no case shall the district paymasters or quartermasters of any grade be taken from the line of the army.

SEC. 21. That the officers of the volunteer corps, authorized by the act of the 24th day of February, 1814, be entitled to promotion in the line of the army; and that the President of the United States, with the advice and consent of the Senate, be authorized to make all necessary appointments, and to fill all vacancies which may happen in the same.

[*Approved, March* 30, 1814.]

[1] The 15th, 17th, and 21st sections are temporary, and the 16th and 20th are clearly supplied by subsequent legislation.

[2] By the 16 March, 1802, chap. 9, sec. 4. See 14 April, 1818, chap. 61, Feb. 1857, chap. 55.

[3] From subalterns of the line by the 3 March, 1815, and the 2 March, 1821, chap. 13, sec. 5, but taking only one aid from a regiment is omitted.

[4] One, by the 3 March, 1815, chap. 79, sec. 3.

[5] This seems to be repealed by the 2 March, 1821, chap. 13, sec. 7.

CHAPTER 67.—Approved, April 18, 1814.—Vol. 3, p. 128.

An Act fixing the salary of the paymaster of the army of the United States, and allowing a sum for the employment of additional clerks in his office for the year 1814, *and providing for the appointment of assistant district paymasters.*[1]

That, in lieu of the monthly compensation now allowed by law to the paymaster of the army of the United States, he shall receive an annual salary of $2000,[2] to be paid, quarter-yearly, at the treasury of the United States, and to commence on the 1st day of January last; and that, in addition to the amount already allowed by law for clerk-hire, in the office of the paymaster of the army of the United States, there shall be allowed the further sum of $5547, for the purpose of employing additional clerks in, and for contingent expenses of, his office, for the present year, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 2. That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint so many assistant district paymasters, not exceeding thirty, as the public service may, in his opinion, require: *Provided*, That the President of the United States shall have power to appoint any officer authorized by this act during the recess of the Senate, to be submitted to them, for their advice and consent, at their next session.

SEC. 3. That it shall be the duty of the paymaster of the army, under the direction of the war department, to make all disbursements of money within that department to the district paymasters, and to adjust, state, and exhibit their several accounts, according to such forms, and within such periods, as shall be prescribed for that purpose by the treasury department.

SEC. 4. That, to secure the regular and punctual payment of the troops, the district paymasters shall examine and transmit to the paymaster of the army the accounts and vouchers for all disbursements which have been made by them to the troops of the army or district where they shall be stationed, as soon as the first payment shall have been made, and accompany the same with an estimate for the next payment; which accounts and estimates shall be regularly transmitted, that settlements may be made and competent funds remitted: *Provided, also*, That the said district and assistant paymasters shall make payments to the militia in the service of the United States, when required by the secretary of war or the paymaster of the army.

SEC. 5. That the assistant district paymaster shall receive the pay and emoluments of a captain of infantry, and forage for one horse.

SEC. 6. That the district and assistant district paymasters shall severally give bonds, with good and sufficient security, to the United States, for the faithful performance of their duties, in such sums as shall be required by the paymaster of the army, under the direction of the war department, and shall be subject to the rules and articles of war.

SEC. 7. That this act shall continue in force until the termination of the war in which the United States are now engaged with the United Kingdom of Great Britain and Ireland and the dependencies thereof, and for one year thereafter, and no longer.

[1] Expired; see 7th section.
[2] See 24 April, 1816, sec. 3, chap. 69, and 21 Feb. 1857, chap. 5.

CHAPTER 78.—Approved, April 18, 1814.—Vol. 3, p. 133.

An Act to provide for the collection and preservation of such flags, standards, and colors, as shall have been, or may hereafter be, taken by the land and naval forces of the United States from their enemies.[1]

That the secretaries of the war and navy departments be, and they are hereby, directed to cause to be collected and transmitted to them, at the seat of the government of the United States, all such flags, standards, and colors as shall have been, or may hereafter be, taken by the army and navy of the United States from their enemies.

SEC. 2. That all the flags, standards, and colors, of the description aforesaid, which are now in the possession of the departments aforesaid, and such as may be hereafter transmitted to them, be, with all convenient despatch, delivered to the President of the United States, for the purpose of being, under his direction, preserved and displayed in such public place as he shall deem proper.

[SEC. 3. $500 appropriated for the purposes of this act.]

CHAPTER 80.—Approved, April 18, 1814.—Vol. 3, p. 134.

An Act in further addition to an Act entitled "An Act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States."

That, in addition to the officers of the militia, provided for by the act entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," approved May the eighth, one thousand seven hundred and ninety-two,[2] and by an act in addition to the said recited act, approved March the second, one thousand eight hundred and three,[3] there shall be, to each division, one division-inspector, with the rank of lieutenant-colonel, and one division-quartermaster, with the rank of major; to each brigade, one aid-de-camp, with the rank of captain; and the quartermasters of brigade, heretofore provided for by law, shall have the rank

[1] See act 3 March, 1855, chap. 175. [2] Chap. 33. [3] Chap. 15.

of captain. And it shall be incumbent on the said officers to do and perform all the duties which, by law and military principles, are attached to their offices, respectively.

[*Approved, April* 18, 1814.]

CHAPTER 82.—Approved, April 18, 1814.—Vol. 3, p. 134.

An Act in addition to an Act entitled "An Act[1] *to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the Act now in force for those purposes."*[2]

That courts-martial, to be composed of militia officers alone, for the trial of militia drafted, detached, and called forth for the service of the United States, whether acting in conjunction with the regular forces or otherwise, shall, whenever necessary, be appointed, held, and conducted in the manner prescribed by the rules and articles of war for appointing, holding, and conducting courts-martial for the trial of delinquents in the army of the United States.

SEC. 2. That in all cases in the militia where an offence is punishable by stoppage of pay, or by imposing a fine limited by the amount of pay, the same shall be taken to have relation to the monthly pay existing at the time the offence was committed.

SEC. 3. That if any delinquent directed to be summoned to appear before a court-martial for neglect or refusal to obey the orders of the President of the United States in any of the cases recited in the first, second, third, and fourth sections of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," passed February 28, 1795, shall be absent when any non-commissioned officer shall call to summon him, it shall be a sufficient summoning of such delinquent if the non-commissioned officer leave a copy of the summons, or a written notice thereof, signed by him, with some person of suitable age and discretion, at the usual place of abode of such delinquent, at least ten days previous to the day of appearance. And in case of the non-appearance of such delinquent, the court-martial may proceed with his trial in the same manner as if he had appeared and plead not guilty to the charge exhibited against him.

SEC. 4. That it shall be the duty of the President of any court-martial for the trial of militia, if required, and upon his being duly satisfied that such testimony is material to the trial, to issue his precept, directed to any person to be summoned as a witness, commanding his or her attendance at such court to testify for or against the person to be tried, as the case may be; and any witness having been duly summoned, and failing to appear, without a reasonable excuse, shall forfeit and pay a sum not exceeding $50, to be sued for and recovered in the name of the United States, by bill, plaint, or information, in any court of competent jurisdiction. And if any witness, when called upon for that purpose, shall refuse to testify, or shall behave with contempt to the court, or if any other person

[1] 28 February, 1795, chap. 36.

[2] Expired: see sec. 13.

shall use any menacing words, signs, or gestures, in presence thereof, or shall cause any riot or disorder therein, it shall be lawful for such court to punish every such offender by imprisonment for a term not exceeding one month, at the discretion of the court.

SEC. 5. That for the purpose of carrying into execution the sentence, judgment, or order of any such court-martial, for any of the offences specified in the last clause of the preceding section of this act, it shall be lawful for the court to issue an order to any commissioned officer of militia not below the rank of captain, commanding him to carry the same into effect by military force, whose duty it shall be to obey the same, and execute the order accordingly.

SEC. 6. That on the trial of delinquents for offences not capital, by any such court-martial, the deposition of witnesses taken before a justice of the peace or other person authorized to take affidavits to be read in any court of record in the state where the same shall be taken, may be read in evidence, provided the prosecutor and person accused are present at taking the same, or are duly notified thereof. And, further, that the returns of captains, or other commanding officers of companies, of delinquents drafted or ordered into the service of the United States, who shall have refused or neglected to enter the same, sworn to as aforesaid, shall be competent evidence of the facts therein contained.

SEC. 7. That if any person shall wilfully swear false before any such court-martial, or in any affidavit or deposition taken as aforesaid, he or she shall be adjudged to be guilty of wilful and corrupt perjury, and shall be indicted, tried, and punished accordingly, by any court of competent jurisdiction in the state where such offence shall be committed.

SEC. 8. That the militia, when called into the service of the United States by virtue of the before-recited act, may, if in the opinion of the President of the United States the public interest require it, be compelled to serve for a term not exceeding six months after their arrival at the place of rendezvous in any one year.

SEC. 9. Regimental chaplains in the militia which have been or shall be called into the service of the United States shall receive the same monthly pay and rations as a captain of infantry, with the addition of forage for one horse; and whenever called forth into the service of the United States, division quartermasters shall be entitled to the pay, emoluments, and allowances of a deputy quartermaster-general; brigade quartermasters, to the pay, emoluments, and allowances of an assistant deputy quartermaster-general; and regimental quartermasters, to the pay, emoluments, and allowances of a lieutenant of infantry, and $16 per month in addition thereto, and forage for one horse; division inspectors shall be entitled to the pay, emoluments, and allowances of a lieutenant-colonel of infantry; brigade-majors, to the pay, emoluments, and allowances of a major of infantry; aids-de-camp to brigadier-generals, to the pay, emoluments, and allowances of a captain of infantry, with an addition of $16 per month, and forage for one horse.

SEC. 10. That the expenses incurred or to be incurred by marching the militia of any state or territory of the United States to their places of rendezvous, in pursuance of a requisition of the President of the United States, or which shall have been or may be incurred in case of calls made by authority of any state or territory which shall have been or may be approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such place of rendezvous, on the requisition of the President of the United States: *Provided*, Nothing herein contained shall be considered as authorizing any species of expenditure, previous to

arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

SEC. 11. That in all cases where a brigade of militia shall be called forth for actual service, it shall be the duty of the brigade-major of such brigade to inspect and muster the same, and sign the muster rolls conformably to the provisions of the act entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States."[1] If less than a brigade be called forth, then it shall be the duty of a brigade-major of the district wherein such militia may rendezvous, to inspect and muster the same, and sign the muster rolls; two musters to be made in the manner aforesaid, one on the assembling and the other on the discharge of the militia. If there should be no brigade-major in the vicinity, the commanding officer may direct any officer under the rank of lieutenant-colonel, whether of the regular troops or militia, to inspect and muster the militia so called forth.

SEC. 12. That any commissioned officer, non-commissioned officer, musician, or private of the militia of the United States, who shall have committed an offence while in the actual service of the United States, may be tried and punished for the same, although his term of service may have expired, in like manner as if he had been actually in the service of the United States.

SEC. 13. That this act be continued in force for and during the present war, and no longer.

[*Approved, April* 18, 1814.]

CHAPTER 10.—Approved, December 10, 1814.—Vol. 3, p. 146.

An Act making further provisions for filling the ranks of the army of the United States.[2]

1. Recruits able-bodied men between eighteen and fifty. 2. Minors allowed four days to retract. 3. Act of 1813, requiring the consent of parents, &c., repealed. Apprentice's master to receive part of the bounty money.

That, from and after the passing of this act, each and every commissioned officer who shall be employed in the recruiting service shall be, and he hereby is, authorized to enlist into the army of the United States any free, effective, able-bodied man between the ages of eighteen and fifty years; which enlistment shall be absolute and binding upon all persons under the age of twenty-one years as well as upon persons of full age, such recruiting officer having complied with all the requisitions of the laws regulating the recruiting service.

[1] 8 May, 1792, chap. 33.

[2] Superseded in part by act of 3 March, 1815, fixing the peace establishment.

SEC. 2. That it shall not be lawful for any recruiting officer to pay or deliver to a recruit under the age of twenty-one years, to be enlisted by virtue of this act, any bounty or clothing, or in any manner restrain him of his liberty, until after the expiration of four days from the time of his enlistment; and it shall be lawful for the said recruit at any time during the said four days to reconsider and withdraw his enlistment, and thereupon he shall forthwith be discharged and exonerated from the same.

SEC. 3. That so much of the fifth section of the act passed the 20th of January, 1813, entitled "An act[1] supplementary to the act entitled 'An act for the more perfect organization of the army of the United States,'" as requires the consent, in writing, of the parent, guardian, or master, to authorize the enlistment of persons under the age of twenty-one years, shall be, and the same is hereby, repealed.

Provided, however, That, in case of the enlistment of any person held to service as an apprentice, under the provisions of this act, whenever such person, at the time of his enlistment, shall be held by his indenture to serve for any term between two and three years, his master shall be entitled to receive one-half of the money bounty; if held, in like manner, to serve between one and two years, the master shall be entitled to receive one-third of the money bounty as aforesaid; and if held, in like manner, to serve one year or less, the master shall be entitled to receive one-fourth of the money bounty as aforesaid.

SEC. 4. That in lieu of the bounty of one hundred and sixty acres of land, now allowed by law, there shall be allowed to each non-commissioned officer and soldier hereafter enlisted, when discharged[1] from service, who shall have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, three hundred and twenty acres of land, to be surveyed, laid off, and granted, under the same regulations, and, in every respect, in the manner now prescribed by law; and the widow and children, and, if there be no widow nor child, the parents, of every non-commissioned officer and soldier, enlisted according to law, who may be killed or die in the service of the United States, shall be entitled to receive the three hundred and twenty acres of land as aforesaid; but the same shall not pass to collateral relations, any law heretofore passed to the contrary notwithstanding.

SEC. 5. That any person subject to militia duty, who shall, according to law, furnish a recruit for the army of the United States, at his own expense, to serve during the war; shall thereafter be exempt from militia duty during the war, and every recruit, thus furnished, shall be delivered to some recruiting officer of the United States, who shall immediately grant

[1] Chap. 12: see sec. 5, chap. 78, 28 Sept. 1850, *post*.
[2] By the 11 Jan. 1812, chap. 14, sec. 12. See *ante*, and n. 8.

his receipt for such recruit to the person furnishing him, and shall forthwith report the same to the department of war, and shall specify in the report the name of such person, and his place of residence, as well as the name and description of the recruit; whereupon it shall be the duty of the secretary for the department of war to grant to the person furnishing such recruit a certificate of exemption from militia duty during the war,[1] upon calls made upon the authority of the United States, which certificate shall be good and available to all intents and purposes for that object. And every recruit thus furnished shall be entitled to the bounty in land, in the same manner, and upon the same conditions, as the other recruits in the army of the United States.

[*Approved, December* 10, 1814.]

CHAPTER 13.—Approved, December 13, 1814.—Vol. 3, p. 151.

An Act directing the Staff Officers of the Army to comply with the requisitions of naval and marine officers, in certain cases.

That it shall be the duty of the several officers of the staff of the army of the United States, to provide the officers, seamen, and marines of the navy of the United States, when acting, or proceeding to act, on shore, in co-operation with the land troops, upon the requisition of the commanding naval or marine officer of any such detachment of seamen or marines, under orders to act as aforesaid, with rations, also the officers and seamen with camp equipage, according to the relative rank and station of each, and the military regulations in like cases, together with the necessary transportation, as well for the men as for their baggage, provisions, and cannon: *Provided, nevertheless*, That the contract price of the rations which may be furnished shall be reimbursed out of the appropriations for the support of the navy.

SEC. 2. That the respective quartermasters of the army shall, upon the requisition of the commanding naval officer of any such detachment of seamen or marines, furnish the said officer and his necessary aids with horses, accoutrements, and forage, during the time they may be employed in co-operating with the land troops as aforesaid.

[1] Expired with the war.

CHAPTER 38.—Approved, February 8, 1815.—Vol. 3, p. 303.

An Act for the better regulation of the Ordnance Department.[1]

2. Colonel may enlist, for the department, master-armorers, &c. 3. Inspection and proof of ordnance and all needful apparatus. 4. Artificers to be attached to regiments, &c. 5. Colonel of the ordnance to execute orders of the secretary of war. 6. Keepers of magazines and arsenals to report to colonel. 7. Damages of arms, &c., deducted from the officers or soldiers having charge of them. 8. Reports from the ordnance to the war department. 9. Armories under the ordnance. 10. Systems of regulations for ordnance. 11. Pay, &c., of, as the officers in the artillery. Pay of the master-armorers, &c.

That, from and after the passage of this act, the ordnance department shall consist of one colonel, one lieutenant-colonel, two majors, ten captains, ten first lieutenants, ten second lieutenants, and ten third lieutenants.

SEC. 2.[2] That the colonel[3] or senior officer of the ordnance department is authorized to enlist for the service of that department, for five years, as many master-armorers, master-carriage-makers, master-blacksmiths, artificers, armorers, carriage-makers, blacksmiths, and laborers, as the public service, in his judgment, under the directions of the secretary for the department of war, may require.[4]

SEC. 3. That it shall be the duty of the *colonel* of the ordnance department to direct the inspection and proving of all pieces of ordnance, cannon-balls, shot, shells, small arms, and side-arms, and equipments, procured for the use of the armies of the United States; and to direct the construction of all cannon and carriages, and every implement and apparatus for ordnance, and all ammunition-wagons, travelling forges, and artificers' wagons, the inspection and proving of powder, and the preparation of all kinds of ammunition and ordnance stores. And it shall also be the duty of the colonel or senior officer of the ordnance department to furnish estimates, and, under the direction of the secretary for the department of war, to make contracts and purchases, for procuring the necessary supplies of arms, equipments, ordnance, and ordnance stores.

[1] This act, so far as it relates to *organization*, is superseded by that of 2 March, 1821, chap. 13, which abolished the ordnance department and incorporated it with the artillery. See sec. 4. See also 5 April, 1832, chap. 67, for new organization and repeal of the first section of this act. For present organization, see sec. 3, chap. 42, 3 Aug. 1861, and see sec. 3, chap. 133, 5 July, 1862.

[2] The President may increase the corps, by the 5 July, 1838, chap. 162, sec. 13.

[3] Chief of ordnance is now brigadier-general.

[4] Not exceeding 250, by the 5 April, 1832, chap. 77, sec. 1.

SEC. 4. That the *colonel* of the ordnance department shall organize and attach to regiments, corps, or garrisons such number of artificers, with proper tools, carriages, and apparatus, under such regulations and restrictions relative to their government and number, as, in his judgment, with the approbation of the secretary for the department of war, may be considered necessary.

SEC. 5. That the *colonel* of the ordnance department, or senior officer of that department of any district, shall execute all orders of the secretary for the department of war, and, in time of war, the orders of any general or field officer, commanding any army, garrison, or detachment, for the supply of all arms, ordnance, ammunition, carriages, forges, and apparatus, for garrison, field, or siege service.

SEC. 6. That the keepers of all magazines and arsenals shall, quarterly, or oftener, if so directed, and in such manner as directed by the *colonel* of the ordnance department, make correct returns to the *colonel* or senior officer of the ordnance department of all ordnance, arms, and ordnance stores they may have in charge.

SEC. 7. That the costs of repairs or damages done to arms, equipments, or implements in the use of the armies of the United States shall be deducted from the pay of any officer or soldier in whose care or use the said arms, equipments, or implements were when the said damages occurred: *Provided*, The said damages were occasioned by the abuse or negligence of the said officer or soldier. And it is hereby made the duty of every officer commanding regiments, corps, garrisons, or detachments, to make, once every two months, or oftener, if so directed, a written report to the *colonel* of the ordnance department, stating all damages to arms, equipments, and implements belonging to his command, noting those occasioned by negligence or abuse, and naming the officer or soldier by whose negligence or abuse the said damages were occasioned.

SEC. 8. That the *colonel* of the ordnance department shall make, half-yearly, to the war department, or oftener, if the secretary for that department shall so direct, a correct report of the officers, and all artificers and laborers, in his department; also of all ordnance, arms, military stores, implements, and ap-

paratus, of every description, and in such form as the secretary for the department of war shall direct.

SEC. 9. That, to insure system and uniformity in the different public armories, they are hereby placed under the direction of the ordnance department. And the *colonel* of the ordnance department, under the direction of the secretary for the department of war, is hereby authorized to establish depots of arms, ammunition, and ordnance stores, in such parts of the United States, and in such numbers, as may be deemed necessary.

SEC. 10. That the *colonel* of the ordnance department, under the direction of the secretary for the department of war, is hereby authorized to draw up a system of regulations for the government of the ordnance department, forms of returns and reports, and for the uniformity of manufactures of all arms, ordnance, ordnance stores, implements, and apparatus, and for the repairing and better preservation of the same.

SEC. 11. That the pay, emoluments, and allowances for the officers of the ordnance department shall be the same as the pay, emoluments, and allowances now allowed to officers of similar grades, respectively, in the artillery[1] of the United States. *And that the pay*[2] *of a master-armorer shall be thirty dollars per month, and one and a half rations per day; of a master-carriage-maker, thirty dollars per month, and one and a half rations per day; of a master-blacksmith, thirty dollars per month, and one and a half rations per day; the pay of armorers, carriage-makers, or blacksmiths, each, sixteen dollars per month, and one and a half rations per day; the pay of artificers, thirteen dollars per month, and one ration per day; and the pay of laborers, nine dollars per month, and one ration per day; and to all of the said workmen, artificers, and laborers, the same clothing, and other allowances, as are allowed to privates of infantry in the army of the United States, except clothing to the master-workmen.*

SEC. 12. That the President of the United States is hereby authorized to continue in the service, under this act, all the officers of the ordnance department in service on the passage of the same, or to transfer them to other corps of the army of the United States.

SEC. 13. That the colonel of the ordnance department is hereby allowed at the rate of $1000 per year, for clerks, and such books and stationery as may be necessary to his department.

[1] Dragoons, by the 5 July, 1838, chap. 162, sec. 13.
[2] For pay, see subsequent acts.

SEC. 14. That the act passed May 14, 1812, entitled "An act[1] for the better regulation of the ordnance department," and the sections of any other acts coming within the purview of any of the sections of this act, be, and the same are hereby, repealed.

[*Approved, February* 8, 1815.]

For list of acts on this subject, see vol. 2, p. 732, n.
May 14, 1812, chap. 83, repealed. April 5, 1832, chap. 47.
Aug. 2, 1813, chap. 5, vol. 3, p. 75, supplied.

CHAPTER 79.—Approved, March 3, 1815.—Vol. 3, p. 224.

An Act fixing the Military Peace Establishment of the United States.[2]

That the military peace establishment of the United States shall consist of such proportions of artillery, infantry, and riflemen, not exceeding, in the whole, ten thousand men, as the President of the United States shall judge proper, and that the corps of engineers, as at present established, be retained.

SEC. 2. That the corps of artillery shall have the same organization as is prescribed by the act passed the 30th of March, 1814,[3] and the regiment of light artillery the same organization as is prescribed by the act passed the 12th day of April, 1808;[4] and that each regiment of infantry and riflemen shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one quartermaster, one paymaster, one surgeon, and two surgeon's mates, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies; each company to consist of one captain, one first lieutenant, and one second lieutenant, four sergeants, four corporals, two musicians, and sixty-eight privates.

SEC. 3. That there shall be two major-generals, and four brigadier-generals; the major-generals to be entitled to two aids-de-camp, and the brigadier-generals to one aid-de-camp, each, to be taken from the subalterns of the line; four brigade-inspectors, and four brigade-quartermasters, and such number of hospital surgeons and surgeon's mates as the service may require, not exceeding five surgeons and fifteen mates, with *one steward and one ward-master*[5] *to each hospital.* The brigade-inspectors, appointed under this act, shall be taken from the line, and the brigade-quartermasters, the adjutants, regimental quartermasters, and paymasters, from the subalterns of the line.

SEC. 4. That the compensation, subsistence, and clothing of the officers, cadets, non-commissioned officers,[6] musicians, artificers, and privates,[7] composing the military peace establishment, shall be the same as are prescribed by the act entitled "An act fixing the military peace establishment of the United States,"[8] passed 16th March, 1802, and the act entitled "An act to raise, for a limited time, an additional military force,"[9] passed

[1] Chap. 83.
[2] This act and such intervening acts as relate to organization are superseded by the provisions of 2 March, 1821, chap. 13.
[3] Chap. 37.
[4] Chap. 43.
[5] Words in italics repealed by sec. 1 chap. 61, 14 April, 1818.
[6] See 2 March, 1827, chap. 42.
[7] See 2 March, 1833, chap. 68.
[8] Chap. 9.
[9] Chap. 43.

12th of April, 1808; and that the major-generals shall be entitled to the same compensation as is provided by an act entitled "An act to raise an additional military force,"[1] passed 11th January, 1812.

SEC. 5. That the President of the United States cause to be arranged the officers, non-commissioned officers, musicians, and privates, of the several corps of troops now in the service of the United States, in such a manner as to form and complete out of the same the corps authorized by this act, and cause the supernumerary officers, non-commissioned officers, musicians, and privates, to be discharged from the service of the United States, from and after the 1st day of May next, or as soon as circumstances may permit.

SEC. 6. That to each commissioned officer, who shall be deranged by virtue of this act, there shall be allowed and paid, in addition to the pay and emoluments to which they will be entitled by law at the time of his discharge, three months' pay.

SEC. 7. That the several corps authorized by this act shall be subject to the rules and articles of war, be recruited in the same manner, and with the same limitations, and that officers, non-commissioned officers, musicians, and privates, shall be entitled to the same provision for wounds and disabilities, the same provision for widows and children, and the same benefits and allowances in every respect, not inconsistent with the provisions of this act, as are authorized by the act of 16th March, 1802, entitled "An act fixing the military peace establishment of the United States,"[2] and the act of the 12th April, 1808, entitled "An act to raise, for a limited time, an additional military force;"[3] and that the bounty to the recruit, and compensation to the recruiting officer, shall be the same as are allowed by the aforesaid act of the 12th of April, 1808.[4]

[*Approved, March* 3, 1815.]

RESOLUTION 5.—Approved, November 3, 1814.—Vol. 3, p. 247.

Resolutions expressive of the sense of Congress of the gallantry and good conduct with which the reputation of the arms of the United States has been sustained by Major-General Brown, Major-General Scott, Major-General Porter, Major-General Gaines, Major-General Macomb, and Brigadiers Ripley and Miller.

That the thanks of Congress be, and they are hereby, presented to Major-General Brown, and, through him, to the officers and men of the regular army, and of the militia, under his command, for their gallantry and good conduct in the successive battles of Chippewa, Niagara, and Erie, in Upper Canada, in which British veteran troops were beaten and repulsed by equal or inferior numbers; and that the President of the United States be requested to cause a gold medal to be struck, emblematical of these triumphs, and presented to Major-General Brown.

Resolved, That the President of the United States be requested to cause a gold medal to be struck, with suitable emblems and devices, and presented to Major-General Scott, in testimony of the high sense entertained by Congress of his distinguished services in the successive conflicts of

[1] Chap. 14. [2] Chap. 9. [3] Chap. 43. [4] Chap. 43.

Chippewa and Niagara, and of his uniform gallantry and good conduct in sustaining the reputation of the arms of the United States.

Resolved, That the President of the United States be requested to cause gold medals to be struck, with suitable emblems and devices, and presented to Brigadier-General Ripley, Brigadier-General Miller, and Major-General Porter, in testimony of the high sense entertained by Congress of their gallantry and good conduct in the several conflicts of Chippewa, Niagara, and Erie.

Resolved, That the thanks of Congress be, and they are hereby, presented to Major-General Gaines, and, through him, to the officers and men under his command, for their gallantry and good conduct in defeating the enemy at Erie on the 15th of August, repelling with great slaughter the attack of a British veteran army, superior in number; and that the President of the United States be requested to cause a gold medal to be struck, emblematical of this triumph, and presented to Major-General Gaines.

Resolved, That the thanks of Congress be, and they are hereby, presented to Major-General Macomb, and, through him, to the officers and men of the regular army under his command, and to the militia and volunteers of New York and Vermont, for their gallantry and good conduct in defeating the enemy at Plattsburg, on the 11th of September; repelling, with 1,500 men, aided by a body of militia and volunteers from New York and Vermont, a British veteran army, greatly superior in number; and that the President of the United States be requested to cause a gold medal to be struck, emblematical of this triumph, and presented to Major-General Macomb.

[*Approved, November* 3, 1814.]

RESOLUTION 10.—Approved, February 27, 1815.—Vol. 3, p. 249.

Resolutions expressive of the thanks of Congress to Major-General Jackson, and the troops under his command, for their gallantry and good conduct in the defence of New Orleans.

That the thanks of Congress be, and they are hereby, given to Major-General Jackson, and, through him, to the officers and soldiers of the regular army, of the militia, and of the volunteers, under his command, the greater proportion of which troops consisted of militia and volunteers suddenly collected together, for their uniform gallantry and good conduct, conspicuously displayed against the enemy, from the time of his landing before New Orleans, until his final expulsion therefrom; and particularly for their valor, skill, and good conduct on the 8th of January last, in repulsing, with great slaughter, a numerous British army of chosen veteran troops, when attempting, by a bold and daring attack, to carry by storm the works hastily thrown up for the protection of New Orleans; and thereby obtaining a most signal victory over the enemy, with a disparity of loss, on his part, unexampled in military annals.

Resolved, That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to Major-General Jackson, as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major-General Jackson, in such terms as he may deem best calculated to give effect to the objects thereof.

[*Approved*, *February* 27, 1815.]

CHAPTER 55.—Approved, April 16, 1816.—Vol. 3, p. 285.

An Act making further provision for military services during the late war, and for other purposes.

That when any officer or private soldier of the militia, including rangers, sea-fencibles, and volunteers,[1] or any non-commissioned officer, musician, or private, enlisted for either of the terms of one year or eighteen months, or any commissioned officer of the regular army, shall have died while in the service of the United States, during the late war, or in returning to his place of residence, after being mustered out of service, or who shall have died at any time thereafter, in consequence of wounds received whilst in the service, and shall have left a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; and, in case of death or intermarriage of such widow before the expiration of said five years, the half pay for the remainder of the time shall go to the child or children of the said decedent: *Provided, always*, That the secretary of war shall adopt such forms of evidence in applications under this act as the President of the United States may prescribe: *Provided, also*, That the officers and private soldiers of the militia, as aforesaid, who have been disabled by wounds or otherwise, while in the service of the United States, in the discharge of their duty during the late war, shall be placed on the list of pensioners in the same manner as the officers and soldiers of the regular army, under such forms of evidence as the President of the United States may prescribe: *Provided, also*, That the provisions of this act shall not extend to any person embraced in the provisions of an act entitled "An act to provide for the widows and orphans of militia slain, and for militia disabled, in the service of the United States," passed the 2d day of August, 1813.[2]

SEC. 2. That when any non-commissioned officer, musician, or private soldier, of the regular army of the United States, shall have been killed in battle, or have died of wounds or disease, while in the service of the United States, during the late war, and have left a child or children under sixteen years of age, it shall be lawful for the guardian of such child or children, within one year from the passing of this act,[3] to relinquish the bounty land to which such non-commissioned officer, musician, or private soldier, had he

[1] This section (1) extended to forage-masters, &c. by the 3 March, 1817, chap. 107.

[2] Chap. 40.

[3] Extended to children and widows of those who served, &c., by same act, (1817,) and two years more allowed them; and three years more by the 3 March, 1819, chap. 94.

survived the war, would have been entitled; and, in lieu thereof, to receive half the monthly pay to which such deceased person was entitled at the time of his death, for and during the term of five years, to be computed from and after the 17th day of February, 1815; the payment thereof to be made when and where other military pensions are or shall be paid; and where a warrant for the military bounty land aforesaid shall have been issued, to or for the use of the child or children of any such deceased non-commissioned officer, musician, or private soldier, such child or children, or either of them, being under sixteen years of age, it shall be lawful for the guardian of such minor or minors, to surrender and deliver such warrant into the office for the department of war, within one year from the passing of this act; of which surrender and delivery the secretary of that department shall give notice to the secretary of the treasury, who shall thereupon give the requisite orders for the payment of the half pay hereby provided for.

SEC. 3. That all soldiers who have been enlisted to serve for five years or during the war, and were above the age of forty-five or under the age of eighteen years, who have faithfully served during the late war, and have been regularly discharged, and the representatives of such soldiers as shall have died whilst in the service of the United States, and all soldiers who have been enlisted, and have faithfully served during the late war, until they have been promoted to the rank of commissioned officers, who, if they had served during the war, under their enlistment, and been regularly discharged, would have been entitled to a bounty in land, shall be entitled to one hundred and sixty or three hundred and twenty acres of land, according to the term of enlistment; the warrants and patents to issue in the same manner as in the case of soldiers enlisted of proper age, and discharged under similar circumstances.

SEC. 4. That, for the purpose of carrying the provisions of this act into effect, and other acts giving bounty lands to soldiers of the regular army, the President of the United States is hereby authorized to cause to be surveyed and laid off in one or more surveys, two millions of acres, not otherwise appropriated, in addition to the appropriations of lands by the act of May 6, 1812, for designating, surveying, and granting military bounty lands, according to the provisions of said act.[1]

SEC. 5. That no transfer of land, granted in virtue of this or any other law, giving bounties of land to the non-commissioned officers, musicians, and privates enlisted during the late war, shall be valid, unless the contract or agreement therefor, or letter of attorney giving power to sell or convey, shall have been executed after the patents shall be issued and delivered to the persons entitled thereto.

[*Approved, April* 16, 1816.]

See March 3, 1817, chap. 107.

[1] See chap. 77, 6 May, 1812, *ante*, and chap. 107, 3 March, 1817, *post*.

CHAPTER 64.—Approved, April 20, 1816.—Vol. 3, p. 295.

An Act concerning field officers of the militia.

That from and after the first day of May next, instead of one lieutenant-colonel commandant to each regiment, and one major to each battalion, of the militia, as is provided by the act entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," approved May the eighth, one thousand seven hundred and ninety-two,[1] there shall be one colonel, one lieutenant-colonel, and one major, to each regiment of the militia consisting of two battalions. Where there shall be only one battalion, it shall be commanded by a major: *Provided*, That nothing contained herein shall be construed to annul any commission in the militia which may be in force, as granted by authority of any state or territory, in pursuance of the act herein recited, and bearing date prior to the said first day of May next.

CHAPTER 68.—Approved, April 24, 1816.—Vol. 3, p. 297.

An Act to increase the pensions of invalids in certain cases; for the relief of invalids of the militia; and for the appointment of pension agents in those states where there is no commissioner of loans.

1. Persons of the ranks named, now on the pension roll, are to receive, for the highest degree of disabilities, the sums mentioned, in lieu, &c. For less disabilities, proportionably less. 2. Persons hereafter placed on the military pension roll, to be put on at the rates specified in this act. Proviso: nothing herein to lessen a higher pension by special provision. 3. Officers and soldiers of the militia, whilst in service, to be placed on the pension roll like those of the regular army. 4. The secretary of war required to appoint proper persons in the states and territories where there is no commissioner of loans, to perform the duties relating to pensions and pensioners.

That all persons of the ranks hereinafter named, who are now on the military pension roll of the United States, shall, from and after the passage of this act, be entitled to, and receive, for disabilities of the highest degree, the following sums,

[1] Chap. 33.

in lieu[1] of those to which they are now entitled, to wit: a first lieutenant, seventeen dollars; a second lieutenant, fifteen dollars; a third lieutenant, fourteen dollars; an ensign, thirteen dollars; and a non-commissioned officer, musician, or private, eight dollars, per month; and for disabilities of a degree less than the highest, a sum proportionably less.

SEC. 2. That all persons of the aforesaid ranks, who may hereafter be placed on the military pension roll of the United States, shall, according to their ranks and degrees of disabilities, be placed on at the aforesaid rates of pensions, in lieu of those heretofore established: *Provided*, That nothing herein contained shall be construed to lessen the pension of any person who, by special provision, is entitled to a higher pension than is herein provided.

SEC. 3. That all laws and regulations, relating to the admission of the officers and soldiers of the regular army to be placed on the pension roll of the United States, shall, and they are hereby declared to, relate equally to the officers and soldiers of the militia, whilst in the service of the United States.

SEC. 4. That the secretary for the department of war be, and he is hereby, authorized and required to appoint some fit and proper person[2] in those states and territories where there is no commissioner[3] of loans, and also in the district of Maine, to perform the duties in those states and territories, and in said district, respectively, relating to pensions and pensioners, which are now required of said commissioners in their respective states.

[*Approved, April* 24, 1816.]

CHAPTER 69.—Approved, April 24, 1816.—Vol. 3, p. 297.

An Act[4] for organizing the general staff and making further provisions for the army of the United States.

3. Pay department. Taken from subalterns of the line or citizens. Pay. Clerk of. 4. Duty of paymasters in making returns, &c. 5. Commissary of purchases.

[1] See 10 April, 1806, chap. 25, sec. 6.

[2] An additional one in Tennessee, 3 March, 1819, chap. 91.

[3] This office abolished, 3 March, 1817.

[4] The first and second sections of this act are supplied or repealed by the 14 April, 1818, chap. 61, section 1, and the 2 March, 1821, chap. 13; and the third section of the act as to the pay department is reorganized by the 2 March, 1849, chap. 80, which repeals this section (3) except as to the pay of the regimental and battalion paymasters and of the paymaster-general.

Military storekeeper, pay of. 6. All officers of the pay and quartermaster's departments to give bonds, and subject to the articles of war. Appointed by consent of senate. 7. President may prescribe the clothing. In general regulations. 8. Soldiers discharged to be paid for deficient clothing. 9. Emoluments of the staff. 10. Officers of the staff retained. 11. Ordnance continued as at present. 12. Rate of forage when not received in kind. For horses kept. Soldiers as waiters. Servants.

That, in addition to the act providing for a military peace establishment the provisions of the act of 3 March, 1813,[1] for the better organization of the general staff, be, and the same are hereby, so far established, that the general staff shall, in future, consist of one adjutant and inspector-general of the army, and one adjutant-general, one inspector-general, three topographical engineers, and one quartermaster-general, with one deputy quartermaster-general to a division; and an assistant of each to every brigade, which shall supersede the brigade-quartermasters and inspectors now existing; and that the apothecary-general,[2] as heretofore authorized, be allowed two assistant apothecaries.

SEC. 2. That the medical staff shall be so extended *that there shall be four hospital surgeons, and eight hospital surgeon's mates*, to each division, with as many post surgeons as the service may require, not exceeding twelve to each division; who shall receive the same pay and emoluments as hospital surgeon's mates; *and that there be three judge-advocates to each division, and one chaplain to each brigade of the army, who shall receive the pay and emoluments of major, as heretofore allowed.*[3]

SEC. 3. *That the pay department shall consist of one paymaster-general of the army, with the annual salary of two thousand five hundred dollars,*[4] *and that, in addition to regimental paymasters, there be appointed one paymaster to each battalion of the corps of artillery, who, as well as the regimental paymasters, in addition to the regular and punctual payment of their respective regiments or corps, shall discharge the duties of district paymasters within such district as shall from time to time be assigned them by the paymaster-general, under the direction of the secretary of war. Provided, That regimental and battalion paymasters may be taken either from the subalterns of the army, or citizens, and appointed by the President of the United States. Provided, also,* That regimental and battalion paymasters shall receive the pay and emoluments of major,[5] *and shall be allowed a capable non-commissioned officer as*

[1] Quartermaster-general of division, repealed by the 14 April, 1818, chap. 61, sec. 1.

[2] This office of apothecary-general is abolished by the 2 March, 1821, chap. 13, sec. 1.

[3] Words in italics in sec. 2 repealed by chap. 61, sec. 1, 14 April, 1818.

[4] Repealed in sec. 9, chap. 13, 2 March, 1821, *post.*

[5] Of infantry. 10 Peters, 647, 653. Wetmore *vs.* United States.

clerk,[1] *who, while so employed, shall receive double pay, and the actual expense of transportation while travelling under orders in the discharge of his duty.*

SEC. 4.[2] That it shall be the duty of the regimental and battalion paymasters to pay all the regular troops; and, to insure punctuality and responsibility, correct reports shall be made to the paymaster-general once in two months, showing the disposition of the funds previously transmitted, with accurate estimates for the next payment of such regiment, garrison, or department as may have been assigned to each; and whenever any paymaster shall fail to transmit such estimate, or neglect to render his vouchers to the paymaster-general for settlement of his accounts, more than six months after receiving funds, he shall be recalled, and another[3] appointed in his place.

SEC. 5.[4] *That the purchasing department shall consist of one commissary-general of purchases, as heretofore authorized, with the annual salary of three thousand dollars, and one deputy commissary to each division, with the annual salary of two thousand dollars, and six assistant commissaries of issues, with the annual salary of one thousand three hundred dollars, and as many military storekeepers*[5] *as the service may require, whose salaries shall be regulated by the secretary of war, according to the duty they may perform: Provided, That the pay and emoluments shall not exceed that of a captain of infantry.*

SEC. 6. That all officers of the pay, commissary, and quartermaster's department shall, previous to their entering on the duties of their respective offices, give good[6] and sufficient bonds to the United States, fully to account for all moneys and[7] public property which they may receive, in such sum as the secretary of

[1] A paymaster's clerk now receives $700 a year and one ration a day.

[2] This sec. supplies the 8 May, 1792, chap. 37, sec. 3, and the 16 March, 1802, chap. 9, sec. 16.

[3] This is merely directory, and forms no part of the contract of his sureties, and the omission does not discharge them. 11 Wheat. 184, United States *vs.* Vansant, 1 Peters, 317–325.

[4] This office of commissary-general of purchases abolished, by the 23 August, 1842, chap. 186.

[5] The military storekeepers are regulated by the 2 March, 1821, chap. 13, sec. 9, and the 23 Aug. 1842, chap. 186, sec. 2.

[6] The 8 May, 1792, chap. 37, sec. 3, vol. 1, p. 280, says with two sureties, and in $20,000.

[7] After his appointment he could act without giving bond. 1 Peters, 364.

If the bond is broader than what is required by the statute, it may be valid as a

war shall direct. And all paymasters, commissaries, and storekeepers shall be subject to the rules and articles of war, in the same manner as commissioned officers: *Provided, also*, That all officers of the pay and commissary's departments be submitted to the senate for their confirmation, in the same manner as the officers of the army.

SEC. 7. That the President of the United States be, and he hereby is, authorized to prescribe[1] the quantity and kind of clothing to be issued annually to the troops of the United States: *Provided*, That, whenever more than the authorized quantity is required, the value of the extra articles shall be deducted from the soldier's pay, and in like manner the soldier shall receive pay, according to the annual estimated value, for such authorized articles of uniform as shall not have been issued to him in each year. *Provided, also*, That the manner of issuing and accounting for clothing shall be established in the general regulations of the war department.

SEC. 8. That in all cases where a soldier of the regular army shall have been discharged from the service of the United States and clothing shall be due to said soldier, it shall be the duty of the paymaster-general to cause the same to be paid for according to the price paid in the seventh section of this act.

SEC. 9. That the several officers of the staff shall respectively receive the pay and emoluments and retain all the privileges secured to the staff of the army by the act[2] of March third, one thousand eight hundred and thirteen, and not incompatible with the provisions of this act; and that the regulations in force before the reduction of the army be recognized, as far as the same shall be found applicable to the service, subject, however, to such alterations as the secretary of war may adopt, with the approbation of the President.

SEC. 10. That the officers of the staff, provisionally retained by the President, and in this act enumerated and made perma-

voluntary obligation even against the sureties. 10 Peters, 343, United States *vs.* Bradley, 5 *id.* 115, United States *vs.* Tingey.

If it require the principal faithfully to discharge his duties as paymaster according to law and instructions, and regularly to account and pay over, &c., it is valid, and in conformity with the act. 10 Peters, 343, United States *vs.* Bradley.

[1] The clothing of the artillery and infantry was particularly prescribed, by the 16 March, 1802, chap. 9, sec. 8, and the 11 Jan. 1812, chap. 14, sec. 9, and for the light dragoons and light artillery, by the 17 March, 1812, chap. 42; but they seem to be superseded by this section.

[2] Chap. 52, *ante*.

nent, be recognized in service under this act, and that the garrison surgeons and mates be hereafter considered as post surgeons; and hereafter the staff of the army may be taken from the line of the army, or from citizens.

SEC. 11. That the ordnance department be continued as at present organized under the act[1] of February eighth, one thousand eight hundred and fifteen, and that ordnance officers be assigned to their duties with the staff of the army, in the same manner as from the corps of engineers.

SEC. 12. That, when forage is not drawn in kind by officers of the army entitled thereto,[2] eight dollars per month, for each horse, not exceeding the number authorized by existing regulations,[3] shall be allowed in lieu thereof: *Provided*, That neither forage nor money shall be drawn by officers but for horses actually kept by them in service: *Provided, also*, That none except company officers shall be allowed to take, as servants or waiters, soldiers of the army, and that all officers[4] be allowed, for each private servant actually kept in service, not exceeding the number authorized by existing regulations,[5] the pay, rations, and clothing of a private soldier, or money in lieu thereof, on a certificate setting forth the name and description of the servant or servants, in the pay account: *Provided, also*, That one additional ration be allowed to all subaltern officers of the army.

[*Approved, April* 24, 1816.]

March 2, 1821, chap. 13.

CHAPTER 127.—Approved, April 27, 1816.—Vol. 3, p. 217.

An Act to provide for cases of lost military land warrants and discharges for faithful services.

1. Soldiers of the regular army having obtained warrants and lost them, &c., upon satisfactory proof of the fact to the secretary of war, are entitled to patents.

[1] Chap. 38, but see sec. 3, chap. 42, 3 Aug. 1861, and sec. 9, chap. 133, 5 July, 1862.

[2] A similar provision for forage was made by the 22 July, 1813, chap. 17.

[3] The 16 March, 1802, chap. 9, sec. 7, *ante*, the 12 April, 1808, chap. 43, sec. 4, *ante*, the 6 July, 1812, chap. 133, sec. 5, *ante*.

For the number of horses allowed, see the 3 March, 1845, chap. 65; and chap. 200, 17 July, 1862.

[4] For such officers, see the 16 March, 1802, chap. 9, sec. 7, *ante*.

[5] The waiters are enumerated, regulated, and paid, by the 30 March, 1814, chap. 37, sec. 9 and 10, *ante;* and see for sec. 12, chap. 200, 17 July, 1862.

2. When it appears to the satisfaction of the secretary of war that certificates of faithful services, in cases of discharge from military service, have been omitted by neglect, misconstruction, or casualty, the omission is not to prevent the issuing of warrants and patents. Upon proof of the loss of a discharge and certificate, the secretary of war is to furnish papers, &c. Proviso: if the measure be justified by the time of enlistment, &c.

That when any soldier of the regular army, having obtained a military land warrant, shall have lost, or shall hereafter lose, the same, or the said warrant shall have been, or may be, by accident destroyed, every such soldier shall, upon proof thereof, to the satisfaction of the secretary of war, be entitled to a patent, in like manner as if the said warrant was produced.

SEC. 2. That in all cases of discharges from the military service of the United States, of any soldier of the regular army, when it shall appear to the satisfaction of the secretary of war that a certificate of faithful services has been omitted by the neglect of the discharging officer, by misconstruction of the laws, or by any other neglect or casualty, such omission shall not prevent the issuing of the warrant and patent as in other cases. And when it shall have been proved, as aforesaid, that any soldier of the regular army has lost his discharge and certificate of faithful service, the secretary of war shall cause such papers to be furnished such soldier of the regular army as will entitle him to his land warrant and patent: *Provided*, Such measure be justified by the time of his enlistment, the period of service, and the report of some officer of the corps to which he was attached.

[*Approved, April* 27, 1816.]

CHAPTER 135.—Approved, April 29, 1816.—Vol. 3, p. 320.

An Act concerning the annual sum appropriated for arming and equipping the militia.[1]

1. The sum of $200,000 for providing arms, &c., for the militia, to be paid out of any moneys in the treasury not otherwise appropriated. 2. The sum appropriated to be applied according to the act of 23 April, 1808, without being carried to the surplus fund. Nothing in the act of 3 March, 1809, to authorize a transfer of any portion of the sum to any other branch of expenditure.

That the annual sum of two hundred thousand dollars, as

[1] See act 23 April, 1808, with the note thereon.

appropriated for the purpose of providing arms and military equipments for the militia, either by purchase or manufacture, according to the act of the twenty-third of April, one thousand eight hundred and eight, entitled "An act making provision for arming and equipping the whole body of the militia of the United States," shall be paid, for each year, respectively, out of any moneys in the treasury not otherwise appropriated.

SEC. 2. That the sum appropriated to be paid as aforesaid shall be applied for the purpose, and according to the intention, specified in said act, without being liable, at any time, to be carried to the account of the surplus fund. And nothing in the act of the third of March, one thousand eight hundred and nine,[1] entitled "An act further to amend the several acts for the establishment and regulation of the treasury, war, and navy departments," shall be construed to authorize the transferring of the sum annually appropriated as aforesaid, or any portion thereof, to any other branch of expenditure.[2]

[*Approved, April* 29, 1816.]

[By Chap. 140, 29 April, 1816, vol. 3, p. 322, an additional accountant[3] of the War Department was authorized to be appointed.]

CHAPTER 142.—Approved, April 29, 1816.—Vol. 3, p. 323.

An Act to increase the compensation of the superintendents of the manufactories of arms at Springfield and Harper's Ferry.

That, in addition to the pay and rations, as at present fixed, of the superintendents of the manufactories of arms at Springfield and Harper's Ferry, they shall receive $30 per month, and one ration per day.[4]

RESOLUTION 7.—Approved, April 29, 1816.—Vol. 3, p. 342.

Resolution authorizing the President of the United States to employ a skilful assistant in the corps of engineers.[5]

That the President of the United States be, and he is hereby, authorized

[1] Chap. 28.
[2] See note to act 3 March, 1817, chap. 96.
[3] Abolished. See act 3 March, 1817, chap. 45, sec. 1.
[4] These manufactories are again in charge of ordnance officers.
[5] Repealed by Resolution 8, 14 July, 1832.

to employ, in addition to the corps of engineers as now established, a skilful assistant, whose compensation shall be such as the President of the United States shall think proper, not exceeding the allowance to the chief officer of that corps.

[*Approved, April* 29, 1816.]

CHAPTER 45.—Approved March 3, 1817.—Vol. 3, p. 366.

An Act to provide for the prompt settlement of public accounts.[1]

2. All accounts to be settled in the treasury department, after 3 March, 1817. 3. Four auditors and one comptroller additional, in the treasury department. 4. Duty of the second auditor. Duty of the third auditor. Proviso: as to the accounts of the additional accountant. 5. Further duties of the auditors. 6. Auditors to report to the secretary of the treasury. 8. Duty of the first comptroller. 9. Duty of the second comptroller. 10. First comptroller to superintend the recovery of all debts, &c. 11. The provision contained in the second section of the act of 3 March, 1797, extended in regard to the accounts of the war and navy departments, &c. 12. Auditors empowered to administer oaths, &c. 13. Secretary of the treasury to cause all accounts of the expenditure of public money to be settled within the year, except, &c. First comptroller to lay before Congress, annually, a list of officers failing to make settlement, &c. 14. The comptroller to distinguish between balances, &c. Comptroller not required to include balances where debtors have been reported insolvent three successive years. 15. Salary of the second comptroller and auditors, $3000 per annum. 16. Letters, &c., to and from the second comptroller and auditors.

That from and after the 3d day of March the offices of accountant[2] and additional accountant[3] of the department of war, the office of accountant of the navy, and the office of superintendent[4]-general of military supplies, be, and they are hereby, abolished.

SEC. 2. That, from and after the said third day of March next, all claims and demands whatever, by the United States or against them, and all accounts whatever in which the United States are concerned either as debtors or as creditors, shall be settled and adjusted in the treasury department.

SEC. 3. That, from and after the third day of March next, in addition to the officers in the treasury department, already established by law, there shall be the following officers, namely: four auditors and one comptroller.

[1] This act prescribes the duties, and indicates the powers, of those charged with the settlement of public accounts, and may, therefore, be useful to a portion of the officers of the army, whose duties relate to the disbursement of the public money.

[2] Established by act of 8 May, 1792, chap. 37.

[3] Appointed by chap. 140, 29 April, 1816.

[4] Established by act of 3 March, 1813.

SEC. 4. That it shall be the duty of the second[1] auditor to receive all accounts relative to the pay and clothing of the army, the subsistence of officers, bounties and premiums, military and hospital stores, and the contingent expenses of the war department; that it shall be the duty of the third auditor to receive all accounts relative to the subsistence of the army, the quartermaster's department, and, generally, all accounts of the war department other than those provided for; and the second and third auditors aforesaid, shall examine the accounts respectively, and certify the balance, and transmit the accounts, with the vouchers and certificate, to the second comptroller, for his decision thereon: *Provided*, That the President of the United States may assign to the second and third auditors the settlement of the accounts which are now confided to the additional accountant of the war department.

SEC. 5. That it shall be the duty of the auditors, charged with the examination of the accounts of the war and navy departments, to keep all accounts of the receipts and expenditures of the public money in regard to those departments, and of all public debts due to the United States on moneys advanced relative to those departments; to receive from the second comptroller the accounts which shall have been finally adjusted, and to preserve such accounts, with their vouchers and certificates, and to record all warrants drawn by the secretaries of those departments, the examination of the accounts of which has been assigned to them by the preceding section. And it shall be the duty of the said auditors to make such reports on the business assigned to them, as the secretary of the war and navy departments may deem necessary, and require, for the services of those departments.

SEC. 6. That the said auditors shall annually, on the first Monday in November, report to the secretary of the treasury the application of the money appropriated for the military and naval departments for the preceding year, which shall be laid before Congress, by him, with the annual statement of the public expenditure.

SEC. 7.[2] [The treasurer to disburse all moneys ordered for the use of the war and navy departments, &c.]

[1] By act of 3 March, 1857, "all accounts and vouchers of the disbursing officers of the quartermaster-general's department shall be audited and settled by the third auditor."

[2] This section is repealed by the 7 May, 1822, chap. 90, sec. 4.

SEC. 8. That it shall be the duty of the first comptroller to examine all accounts settled by the first and fifth auditors, and certify the balances arising thereon to the register; to countersign[1] all warrants drawn by the secretary of the treasury, which shall be warranted by law; to report to the secretary the official forms to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein; he shall also superintend the preservation of the public accounts, subject to his revision, and provide for the regular payment of all moneys which may be collected.

SEC. 9. That it shall be the duty of the second comptroller to examine all accounts settled by the second, third, and fourth auditors, and certify the balances arising thereon, to the secretary of the department in which the expenditure has been incurred; to countersign all warrants drawn by the secretaries of the war and navy departments, which shall be warranted by law; to report to the said secretaries the official forms to be issued in the different offices for disbursing the public money in those departments, and the manner and form of keeping and stating the accounts of the persons employed therein; and it shall also be his duty to superintend the preservation of the public accounts subject to his revision.

SEC. 10. That it shall be the duty of the first comptroller to superintend the recovery of all debts to the United States; to direct suits and legal proceedings, and to take all such measures as may be authorized by the laws, to enforce prompt payment of all debts to the United States.

SEC. 11. That the provision contained in the second section of the act, passed the third March, one thousand seven hundred and ninety-seven, entitled "An act[2] to provide more effectually for the settlement of accounts between the United States and receivers of public money," which directs that in every case where suits have been, or shall be, instituted, a transcript from the books and proceedings of the treasury, certified by the register, shall be admitted as evidence, be extended, in regard to the accounts of the war and navy departments, to the auditors respectively charged with the examination of those accounts,

[1] Same by 7 May, 1822, chap. 90, sec. 3.

[2] Chap. 20, *ante*.

and that certificates, signed by them, shall be of the same effect as that directed to be signed by the register.

SEC. 12. That the auditors of the public accounts shall be empowered to administer oaths or affirmations to witnesses, in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged.

SEC. 13. That it shall be the duty of the secretary of the treasury to cause all accounts of the expenditure of public money to be settled within the year, except where the distance of the places where such expenditure occurs may be such as to make further time necessary; and, in respect to expenditures at such places, the secretary of the treasury, with the assent of the President, shall establish fixed periods at which a settlement shall be required.[1] And it shall be the duty of the first comptroller to lay before Congress, annually, during the first week of their session, a list of such officers as shall have failed in that year to make the settlement required by law.

SEC. 14. That, in the annual statement of all accounts on which balances appear to have been due more than three years, which the comptroller is now required by law to make, he shall hereafter distinguish those accounts, the balances appearing on which shall, in his opinion, be owing to difficulties of form, which he may think it equitable shall be removed by an act of Congress; and where the debtors, by whom such balances shall have been due more than three years, shall be insolvent, and have been reported to Congress for three successive years as insolvent, the comptroller shall not be required in such case to continue to include such balances in the statement above mentioned.

SEC. 15. That the salary of the comptroller, appointed by virtue of this act, shall be three thousand dollars per annum, and that of the auditors, each, three thousand dollars per annum.

SEC. 16. That all letters and packages, to and from the comptroller and auditors hereinbefore mentioned, be conveyed free of postage,[2] under the same regulations that are provided by law for other officers of government. [*Approved, March* 3, 1817.]

[1] See Jan. 31, 1823, sec. 2.

[2] For franking privilege, see note to chap. 137, 6 July, 1812, *ante*.

CHAPTER 96.—Approved, March 3, 1817.—Vol. 3, p. 390.

An Act supplementary to an Act entitled "An Act further to amend the several Acts for the establishment and regulation of the treasury, war, and navy departments."

That nothing contained in the act of the third March, one thousand eight hundred and nine, entitled "An act[1] further to amend the several acts for the establishment and regulation of the treasury, war, and navy departments," shall be construed to authorize the President of the United States to direct any sum appropriated to fortifications, arsenals, armories, custom-houses, docks, navy-yards, or buildings of any sort, or to munitions of war, or to the pay of the army or navy, to be applied to any other object of public expenditure.[2]

CHAPTER 107.—Approved, March 3, 1817.—Vol. 3, p. 394.

An Act to amend an Act entitled "An Act making further provision for military services during the late war, and for other purposes."

That the widows and children of soldiers of the militia, the volunteers, the rangers, and the sea-fencibles, who served during the late war, and for whom half pay for five years was provided, by an act passed on the 16th day of April, 1816, entitled "An act making further provision for military services during the late war, and for other purposes," shall be placed on an equality as to their annual allowance, that is to say: Such widows, and, in case of no widow, such children, as may be embraced in the before-recited act, shall be entitled to receive (as the half pay to which they are entitled) at the rate of $48 per annum, and no more; and the widows and children aforesaid, of the officers of the different corps aforesaid, shall be entitled to the half pay of the officers of the infantry.

SEC. 2. That the provisions contained in an act entitled "An act fixing the military peace establishment of the United States," passed on the 3d of March, 1815, granting to the commissioned officers of the regular army, who were deranged by said act, three months' pay in addition to the pay and emoluments to which they were entitled by law at the time of their discharge, shall equally extend to wagon-masters, forage-masters, barrack-masters, and other warrant officers of the staff of the regular army, who were deranged by the before-recited act, except those provisionally retained by the President of the United States.

[1] Chap. 28, *ante*.

[2] By the provisions of the act of 3 March, 1809, the President is authorized, in the recess of Congress, on the application of the secretary of a department, to direct that a portion of the moneys appropriated for a particular branch of expenditure in that department be applied to another branch of expenditure in the same department. These provisions are further modified by 1 May, 1820.

[3] For original act see 16 April, 1816, chap. 55.

SEC. 3. That the further time of two years shall be allowed to the guardians of the minor children of deceased soldiers, to relinquish their claims to bounty lands for five years' half pay, according to the second section of the before-recited act, to which this is a supplement, passed the 16th day of April, 1816.

SEC. 4. That the widows and children of the non-commissioned officers of the rangers shall be placed on the same footing as to half pay, for five years, with the widows and children of the infantry.

SEC. 5. That the provisions of the second section of the act to which this is a supplement shall be, and the same are hereby, extended to all cases where either of the children therein mentioned shall have been under sixteen years of age at the time of the father's decease: *Provided*, The guardian of such minor children shall, in addition to the relinquishment by said act required, file, in the office of the department of war, evidence of the assent of all the other heirs, if any there be, of said deceased soldier, or of their guardians, to such relinquishment.

SEC. 6. That in all cases where the child or children of a regular soldier, deceased, have the right, under the laws of the United States, to relinquish their bounty in land for five years' half pay, the said child or children shall be entitled to the same amount as is given by the act to the widows of the militia soldiers who died in service during the late war: viz. $4 per month.

[*Approved, March* 3, 1817.]

CHAPTER 19.—Approved, March 18, 1818.—Vol. 3, p. 410.

An Act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war.[1]

Officers and privates of the revolution entitled to pensions. Rate of. Claims to previous pensions to be relinquished.

SEC. 2. Oath and evidence necessary. Proof to be sent to the secretary of war, &c. Payment as of other pensions.

SEC. 3. Pension to commence on the day of the oath.

SEC. 4. No sale, transfer, or mortgage. Perjury.

CHAPTER 34.—Approved, April 4, 1818.—Vol. 3, p. 415.

An Act to establish the flag of the United States.[2]

That, from and after the fourth day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white; that the union be twenty stars, white, in a blue field.

SEC. 2. That, on the admission of every new state into the

[1] Although this act and its supplements are in legal existence, they are not inserted here in full, because all such applications for pensions are now made under the more beneficial act of 7 June, 1832.

[2] This repeals act of 13 Jan. 1794, chap. 1, *ante*; and see resolution of 14 June, 1777.

Union, one star be added to the union of the flag; and that such addition shall take effect on the fourth day of July then next succeeding such admission.

[*Approved, April* 4, 1818.

CHAPTER 61.—Approved, April 14, 1818.—Vol. 3, p. 426.

An Act regulating the staff of the Army.

2. Surgeon-general and assistants. Judge-advocate. Chaplain, &c. Post surgeons. 7. Supplies purchased by contract. 8. The President may alter the ration.

That so much of the act[1] "fixing the military peace establishment of the United States," passed the 3d of March, 1815, as relates to hospital stewards and ward-masters, and so much of the "Act[2] for organizing the general staff, and making further provision for the army of the United States," passed April 24, 1816, as relates to hospital surgeons, hospital surgeon's mates, judge-advocates, chaplains, and forage, wagon, and barrack masters, and their assistants, be and the same is hereby repealed.

SEC. 2. That there shall be one surgeon-general, with a salary[3] of two thousand five hundred dollars per annum, *one assistant*[4] *surgeon-general, with the emoluments of a hospital surgeon, one judge-advocate,*[5] *with the pay and emoluments of a topographical engineer, to each division*, and one chaplain, stationed at the military academy at West Point, who shall also be professor of geography, history, and ethics, with the pay and emoluments allowed[6] the professor of mathematics; *and that the number of post-surgeons*[7] *be increased, not to exceed eight to each division.*

SEC. 3.[8] That so much of the act of the 24th of April, 1816, aforesaid, as relates to the quartermaster-general of division, shall be repealed; and the quartermaster's department shall consist, in addition to the two deputy quartermasters-general, and the four assistant deputy quartermasters-gene-

[1] Chap. 79, sec. 3. [2] Chap. 69.

[3] Same salary, by the 3 March, 1813, chap. 52, sec. 7, *ante*, and $20 per month more by 11 February, 1857.

[4] This office of assistant surgeon-general is abolished by the 2 March, 1821, chap. 13, sec. 10, organizing the medical staff, but again created in chap. 55, 16 April, 1862.

[5] One for the army, and pay of major of cavalry, by the 2 March, 1849, chap. 83, sec. 4; for additional, see act of July, 1862.

[6] See, for salaries of professors, the 3 March, 1851, chap. 22, and see act February, 1857, increasing the pay and price of ration.

[7] See, for the medical staff, the 2 March, 1821, chap. 13, sec. 10, and see note (c) to chap. 42, 3 August, 1861, and chap. 55, 16 April, 1862.

[8] This section is supplied by the 2 March, 1821, chap. 13, sec. 7, reorganizing the army.

ral, now authorized, of one quartermaster-general, with the rank, pay, and emoluments of a brigadier-general, and as many assistant deputy quartermasters-general as the President shall deem proper, not exceeding, in the whole number, twelve.

SEC. 4. That to each commissioned officer who shall be deranged by virtue of this act, there shall be allowed and paid, in addition to the pay and emoluments to which they will be entitled by law at the time of their discharge, three months' pay and emoluments; and that the provisions of this act shall be carried into effect on or before the 1st day of June next.

SEC. 5. That the pay and emoluments of the inspector-generals of divisions be, and is hereby, raised to be equal to the pay and emoluments of the adjutant-generals of division.

SEC. 6.[1] That, as soon as the state of existing contracts for the subsistence of the army shall, in the opinion of the President of the United States, permit it, there shall be appointed by the President, by and with the advice and consent of the Senate, one commissary-general, with the rank, pay, and emoluments of colonel of ordnance, who shall, before entering on the duties of his office, give bond and security, in such sum as the President may direct; and as many assistants, to be taken from the subalterns of the line, as the service may require, who shall receive $20 per month in addition to their pay in the line, and who shall, before entering on the duties of their office, give bond and security, in such sums as the President may direct. The commissary-general and his assistants shall perform such duties, in purchasing and issuing of rations to the army of the United States, as the President may direct.

SEC. 7.[2] That supplies for the army, unless, in particular and urgent cases, the secretary of war should otherwise direct, shall be purchased by contract, to be made by the commissary-general on public notice, to be delivered, on inspection, in the bulk, and at such places as shall be stipulated; which contract shall be made under such regulations as the secretary of war may direct.

SEC. 8. That the President may make such alterations in the component parts of the ration as a due regard to the health and comfort of the army and economy may require.[3]

SEC. 9. That the commissary-general and his assistants shall not be concerned, directly or indirectly, in the purchase or sale, in trade or commerce, of any article entering into the composition of the ration allowed to the troops in the service of the United States, except on account of the United States, nor shall such officer take and apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office, other than what is or may be allowed by law; and the commissary-general and his assistants shall be subject to martial law.

[1] See note to sec. 7.

[2] The 7th, 8th, 9th, and 10th sections were continued for five years by the 23 January, 1823, chap. 5, and the 6th, 7th, 8th, 9th, and 10th sections were continued for five years and no longer, by the 2 March, 1829, chap. 42, sec. 1, and the 7th, 8th, 9th, and 10th sections were made perpetual by the 3 March, 1835, chap. 49, sec. 1, and of course the 6th section for the appointment of a commissary-general had expired in 1835.

[3] For ration now, see sec. 13, chap. 42, 3 August, 1861.

SEC. 10. That all letters to and from the commissary-general, which may relate to his office duties, shall be free from postage:[1] *Provided*,[2] That the sixth, seventh, eighth, ninth, and tenth sections of this act shall continue and be in force for the term of five years from the passing of the same, and thence until the end of the next session of Congress, and no longer.

[*Approved, April* 14, 1818.]

March 2, 1821, chap. 13.

CHAPTER 64.—Approved, April 16, 1818.—Vol. 3, p. 427.

An Act regulating the pay and emoluments of brevet officers.

That the officers[3] of the army, who have brevet commissions, shall be entitled to, and receive, the pay and emoluments of their brevet rank when on duty, and having a command according to their brevet rank, and at no other time.

SEC. 2. That no brevet commission shall hereafter be conferred but by and with the advice and consent of the Senate.[4]

CHAPTER 84.—Approved, April 20, 1818.—Vol. 3, p. 444.

An Act to defray the expenses of the militia when marching to places of rendezvous.

That the expenses incurred, or to be incurred, by marching the militia of any state or territory of the United States to their places of rendezvous, in pursuance of a requisition of the President of the United States,[5] or which shall have been, or may be, incurred in cases of calls made by the authority of any state or territory, which shall have been, or may be, approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President of the United States: *Provided*, That nothing herein contained shall be considered as authorizing any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

[1] See note to chap. 137, 6 July, 1812, for franking. [2] See note to sec. 7.
[3] To include adjutant-general, by chap. 85, 3 March, 1839.
[4] See sec. 9, chap. 132, 30 June, 1834. [5] See 8 May, 1792, *ante*.

CHAPTER 88.—Approved, April 20, 1818.—Vol. 3, p. 447.

An Act[1] *in addition to the "Act for the punishment of certain crimes against the United States," and to repeal the Acts therein mentioned.*

1. Fine $2000 and imprisonment for citizens accepting commissions within the United States, &c., to serve foreign states. 2. For any person in the United States, enlisting others, &c., to serve a foreign state, &c. 3. Fitting out or attempting to fit out. The vessel, &c., forfeited. Half to informer. 4. For citizens fitting out or arming, &c., or aiding. To be tried where apprehended or first brought. 5. Augmenting in the United States the force of foreign armed vessels. 6. Setting on foot within the United States any military expedition against a friendly power. 7. District courts to have cognizance of. 8. The President may employ the forces, or the militia, for suppressing such expeditions. 9. May employ the forces, or the militia, to compel the departure of vessels. 10. Owners, &c., of armed vessels sailing to give bond not to commit hostilities, &c. 11. Collectors to detain vessels built for warlike purposes and about to depart, when probably they are intended against a friendly power. 12. 5 June, 1794, chap. 50, 14 June, 1797, chap. 1, 24 April, 1800, chap. 35, and 3 March, 1817, chap. 58, repealed. 13. Not to prevent the punishment of treason, &c.

That if any citizen of the United States shall, within the territory or jurisdiction thereof, accept and exercise a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and shall be imprisoned not exceeding three years.

SEC. 2. That if any person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people, as a soldier, or as a marine or seaman, on board of any vessel of war, letter of marque, or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thou

[1] This act re-enacts the acts of 1794, chap. 50, 1797, chap. 58, and of 1817, chap. 58, with some additions, and by adding the words "colony, district, or people." 7 Wheat. 489, The Gran Para.

The object of the laws was to put an end to the slave trade, and to prevent the introduction of slaves from foreign countries. 11 Peters, 73, United States *vs.* The Ship Garonne, United States *vs.* Skiddy.

Slaves of Louisiana taken by their owners to France in 1835 and brought back with their own consent, is not a case within the acts. 11 Peters, 73, United States *vs.* Skiddy.

sand dollars, and be imprisoned not exceeding three years:[1] *Provided*, That this act shall not be construed to extend to any subject or citizen of any foreign prince, state, colony, district, or people, who shall transiently be within the United States, and shall on board of any vessel of war, letter of marque, or privateer, which, at the time of its arrival within the United States, was fitted and equipped as such, enlist or enter himself, or hire or retain another subject or citizen of the same foreign prince, state, colony, district, or people,[2] who is transiently within the United States, to enlist or enter himself to serve such foreign prince, state, colony, district, or people, on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people.

SEC. 3. That if any person shall, within the limits of the United States, fit out and arm, or attempt[3] to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or[4] arming, of any ship

See chap. 56, 6 August, 1861.

[2] The intent must be a fixed one, and not contingent, and formed within the United States, and before the vessel leaves the United States. 4 Peters, 445, 466, United States *vs.* Quincy. 3 Dal. 307, Moodie *vs.* The Alfred.

The law does not prohibit the sailing of armed vessels belonging to our citizens, out of our ports, on bond, &c. that they will not be employed to commit hostilities against powers at peace with us. 6 Peters, 466, Johnson, J.

The indictment charged the fitting out of the Bolivar with intent that she should be employed in the service of a foreign people, that is to say, in the service of the United Provinces of Rio de la Plata: held, that although the United Provinces were recognized by the United States, the charge, under the innuendo, was sufficiently laid. 6 Peters, 445, 467, United States *vs.* Quincy.

[3] An effort to fit out will satisfy the law. 6 Peters, 445, 464.

The vessel was fitted out and repaired at Baltimore, and with some warlike munitions, on bond given, sailed for St. Thomas, where she was fully armed and cruised under a Buenos Ayrean commission. This was held to be an attempt. 6 Peters, 445, United States *vs.* Quincy.

[4] Either will constitute the offence. 6 Peters, 445, 464, United States *vs.* Quincy. It is not necessary to charge the fitting *and* arming.

The owner is liable under the act, if he authorized and superintended the fitting and arming, without being personally present.

It is not essential that the fitment should have been completed. It is not necessary that even equipment of a slave voyage should have been taken on board in the port of the United States. In this case, part of the equipment of the General Winder for a slaving voyage was shipped on another vessel for St. Thomas, and then transhipped to the General Winder.

The particulars of the fitting out need not be set out in the indictment: they are minute acts, incapable of exact specification, 473, 475.

The indictment should allege that the vessel was built, fitted, &c., within the jurisdiction of the United States, 476, 477. And "with intent to employ the vessel" in the slave trade, and alleging that "the intent" was "that the vessel should be employed in the slave trade," was not sufficient, 476. 12 Wheat. 460, United States *vs.* Gooding, and see notes to 20 April, 1818, chap. 91, vol. 3, p. 450.

or vessel with intent[1] that such ship or vessel shall be employed in the service of any foreign prince or state,[2] or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people,[3] with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States, for any ship or vessel, to the intent that she may be employed as aforesaid, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years; and every such ship or vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one half to the use of the informer, and the other half to the use of the United States.

SEC. 4. That if any citizen or citizens of the United States shall, without the limits thereof, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out, or arming, any private ship or vessel of war, or privateer, with intent that such ship or vessel shall be employed to cruise, or commit hostilities, upon the citizens of the United States, or their property, or shall take the command of, or enter on board of, any such ship or vessel, for the intent aforesaid, or shall purchase any interest in any such ship or vessel, with a view to share in the profits thereof, such person, so offending, shall be deemed guilty of a high misdemeanor, and fined not more than ten thousand dollars, and imprisoned not more than ten years; and the trial for such offence, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought.

SEC. 5. That if any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall knowingly be concerned in increasing or augmenting, the force of any ship of war,

[1] Although the arms and ammunition were cleared as cargo, and the men enlisted as for a mercantile voyage. 7 Wheat. 471, 486, The Gran Para.

[2] That is, a government acknowledged by the United States. 6 Peters, 467.

[3] Note 2, sec. 2.

cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger calibre, or by the addition thereto of any equipment solely applicable to war, every person so offending shall be deemed guilty of a high misdemeanor, shall be fined not more than one thousand dollars, and be imprisoned not more than one year.

SEC. 6. That if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are [at] peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.

SEC. 7. That the district courts shall take cognizance of complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof.

SEC. 8. That in every case in which a vessel shall be fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot, contrary to the provisions and prohibitions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States as before defined, and in every case in which any process issuing out of any court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, in every such case it

shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring the prize or prizes in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

SEC. 9. That it shall be lawful for the President of the United States, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign ship or vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, they ought not to remain within the United States.

SEC. 10. That the owners or consignees of every armed ship or vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace.

SEC. 11. That the collectors of the customs be, and they are hereby, respectively, authorized and required to detain any vessel manifestly built for warlike purposes, and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, until

the decision of the President be had thereon, or until the owner or owners shall give such bond and security as is required of the owners of armed ships by the preceding section of this act.

SEC. 12. That the act passed on the fifth day of June, one thousand seven hundred and ninety-four, entitled "An act in addition to the act for the punishment of certain crimes against the United States," continued in force, for a limited time, by the act of the second of March, one thousand seven hundred and ninety-seven, and perpetuated by the act passed on the twenty-fourth day of April, one thousand eight hundred, and the act passed on the fourteenth day of June, one thousand seven hundred and ninety-seven, entitled "An act to prevent citizens of the United States from privateering against nations in amity with, or against the citizens of, the United States," and the act passed the third day of March, one thousand eight hundred and seventeen, entitled "An act more effectually to preserve the neutral relations of the United States," be, and the same are hereby, severally repealed: *Provided, nevertheless,* That persons having heretofore offended against any of the acts aforesaid may be prosecuted, convicted, and punished as if the same were not repealed; and no forfeiture heretofore incurred by a violation of any of the acts aforesaid shall be affected by such repeal.

SEC. 13. That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by the laws of the United States.

[*Approved, April* 20, 1818.]

CHAPTER 101.—Approved, April 20, 1818.—Vol. 3, p. 459.

An Act to increase the pay of the militia when in actual service, and for other purposes.

The pay of militia called into the service of the United States against the Seminole Indians to be the highest allowed during the late war.

SEC. 2. Widows and orphans of militia called into that service entitled to half pay and pensions same as in war with Great Britain.[1]

[1] This act was only temporary, and expired by its own limitation, and it is therefore not inserted in full here.

CHAPTER 102.—Approved, April 20, 1818.—Vol. 3, p. 460.

An Act respecting the organization of the army, and for other purposes.[1]

That hereafter the company officers of the corps of artillery shall consist of one captain, two first lieutenants, and two second lieutenants; and in the corps of light artillery, the company officers shall consist of one captain, one first lieutenant, and two second lieutenants; and one of the second lieutenants in each company shall act as a conductor of artillery, as in the case of the corps of artillery, whose duty it shall be to receipt and account for all ammunition, implements, and cannon; and for the performance of these services they shall be allowed, each, $10 extra per month.

SEC. 2. That to each regiment of infantry, riflemen, and to each battalion of the corps of artillery, and to the regiment of light artillery, there shall be attached one armorer, with the pay and emoluments allowed to armorers employed by the ordnance department.

SEC. 3. That, in all cases during the late war where an officer or soldier has been delayed the receipt of his pay and emoluments, or any part thereof, by having been transferred from one corps to another, or omitted to be returned on the muster roll, pay roll, or receipt roll, or from any other cause whatever, upon a satisfactory evidence of the justice of such claim, the same shall be adjusted and paid.

RESOLUTION 12.—Approved, April 4, 1818.—Vol. 3, p. 476.

Resolution directing medals to be struck, and, together with the thanks of Congress, presented to Major-General Harrison and Governor Shelby, and for other purposes.

That the thanks of Congress be, and they are hereby, presented to Major-General William Henry Harrison, and Isaac Shelby, late Governor of Kentucky, and, through them, to the officers and men under their command, for their gallantry and good conduct in defeating the combined British and Indian forces under Major-General Proctor, on the Thames, in Upper Canada, on the 5th day of October, 1813, capturing the British army, with their baggage, camp-equipage, and artillery; and that the President of the United States be requested to cause two gold medals to be struck, emblematical of this triumph, and presented to General Harrison and Isaac Shelby, late Governor of Kentucky.

CHAPTER 45.—Approved, March 2, 1819.—Vol. 3, p. 488.

An Act to regulate the pay of the army when employed on fatigue duty.

That, whenever it shall be found expedient to employ the army at work on fortifications, in surveys, in cutting roads, and other constant labor, of not less than ten days, the non-com-

[1] Superseded by act of 2 March, 1821, chap. 13.

missioned officers, musicians, and privates so employed shall be allowed fifteen cents,[1] *and an extra gill of whiskey or spirits*, each, per day, while so employed.

[*Approved, March* 2, 1819.]

CHAPTER 60.—Approved, March 3, 1819.—Vol. 3, p. 502.

An Act extending the term of half-pay pensions to the widows and children of certain officers, seamen, and marines who died in the public service.[2]

[Five years' additional half pay to the widows and children of officers, seamen, and marines, killed in battle, &c., or who died in service.]

CHAPTER 81.—Approved, March 3, 1819.—Vol. 3, p. 514.

An Act regulating the payments to invalid pensioners.[3]

[In applications for payments of pensions, the affidavit of two credible surgeons, &c., stating the continuance and rate of disability, &c., to accompany the application for payment falling due after the 4th of March, 1820, and every two years thereafter, &c., the applicant to be paid at the rate, &c. Proviso: affidavit not necessary in case of total disability, &c. Proviso: this act not to extend to invalids of the revolutionary army pensioned by act 18 March, 1818, chap. 19.]

CHAPTER 88.—Approved, March 3, 1819.—Vol. 3, p. 520.

An Act authorizing the sale of certain military sites.

That the secretary of war be, and is hereby, authorized, under the direction of the President of the United States, to cause to be sold such military sites, belonging to the United States, as may have been found, or become, useless for military purposes.[4] And the secretary of war is hereby authorized, on the payment of the consideration agreed for, into the treasury of the United States, to make, execute, and deliver all needful instruments conveying and transferring the same in fee; and the jurisdiction, which had been specially ceded, for military purposes, to the United States, by a state, over such site or sites, shall thereafter cease.

[1] Pay increased to 25 and 40 cents east, and 35 and 50 cents west, of the Rocky Mountains, 4 Aug. 1854, chap. 247; and see sec. 4, chap. 22, 19 May, 1846, for money instead of liquor.

[2] Act of 4 March, 1814, chap. 20. Act of 16 April, 1818, chap. 65. Act of 9 April, 1824, chap. 34.

[3] This act is superseded by sec. 2, chap. 88, 3 March, 1859.

[4] Extended to all military sites, or to such parts thereof, as are or may become useless for military purposes, by act 3 March, 1857, sec. 4; but this was again repealed by sec. 6, chap. 156, 12 June, 1858.

CHAPTER 99.—Approved, March 3, 1819.—Vol. 3, p. 526.

An Act concerning invalid pensions.

3. Revolutionary soldiers adopting the act of 1818, chap. 19, not entitled under this or future acts. 4. Persons placed on the pension list without report.

SEC. 3.[1] That any pension granted by this act, or any other act hereafter to be passed, to any officer, soldier, or marine, who served in the revolutionary war, shall cease and be discontinued in case the individual to whom the same may be granted hath availed himself, or shall hereafter avail himself, of the provisions of an act passed the eighteenth day of March, one thousand eight hundred and eighteen, entitled "An act[2] to provide for certain persons engaged in the land and naval service of the United States, in the revolutionary war."

SEC. 4.[3] That all persons entitled to pensions, in conformity with the provisions of the act entitled "An act[4] to provide for persons disabled by known wounds during the revolutionary war," passed April the eighteenth, eighteen hundred and six, and also the fourth section of an act entitled "An act[5] concerning invalid pensioners," passed the twenty-fifth of April, one thousand eight hundred and eight, may be placed on the pension list by the secretary of war, without reporting the same to Congress.

CHAPTER 52.—Approved, May 1, 1820.—Vol. 3, p. 567.

An Act in addition to the several Acts for the establishment and regulation of the treasury, war, and navy departments.

1. Unexpended appropriations carried to surplus fund. Balances after object effected, to be repaid to the treasury, &c. 2. Secretary of war and navy to lay before Congress statements of appropriations, &c. To estimate the probable demands, and the balance to be deducted, &c. Accounts annually rendered. Moneys in the treasury, as agent of war and navy, for two years, &c., to be

[1] The previous sections relate to individual pensioners.
[2] Chap. 19, *ante*.
[3] This section (4) not to be affected by the 4 Feb. 1822, chap. 6, sec. 1, or by the 24 May, 1828, chap. 109, sec. 1, continuing this act six years.
[4] Chap. 25, *ante*.
[5] Chap. 58, *ante*.

carried to surplus fund. Unless a longer time is assigned. 4. Appropriations for one year not to be transferred to another branch of expenditure in a different year, under act of 3 March, 1809. 5. The President may transfer appropriations to certain other expenditure in the war. And navy department. 6. No contracts except under law, or appropriation. Except. 7. No land bought except under law. 8. Secretary of treasury to state appropriations for the year, &c.

That it shall be the duty of the secretary of the treasury to cause to be carried to the account of the surplus fund, any moneys appropriated for the department of war, or of the navy, which may remain unexpended in the treasury, or in the hands of the treasurer, as agent for those departments, whenever he shall be informed, by the secretaries of those departments, that the object for which the appropriation was made has been effected. And it shall be the duty of the secretaries of war and navy departments to cause any balance of moneys drawn out of the treasury, which shall remain unexpended after the object for which the appropriation was made shall be effected, to be repaid to the treasury of the United States; and such moneys, when so repaid, shall be carried to the surplus fund.

SEC. 2. That it shall be the duty of the secretaries of the war and navy departments to lay before Congress, on the first day of February of each year, a statement of the appropriations of the preceding year for their departments respectively, showing the amount appropriated under each specific head of appropriation, the amount expended under each, and the balance remaining unexpended, either in the treasury, or in the treasurer's hands, as agent of the war or navy departments, on the thirty-first December preceding; and it shall be further the duty of the secretaries aforesaid to estimate the probable demands which may remain on each appropriation, and the balance shall be deducted from the estimates of their departments, respectively, for the service of the current year; and accounts shall also be annually rendered, in manner and form as aforesaid, exhibiting the sums expended out of the estimates aforesaid, and the balance, if any, which may remain on hand, together with such information, connected with the same, as shall be deemed proper. And whenever any moneys, appropriated to the departments of war, or of the navy, shall remain unexpended in the hands of the treasurer, as agent of either of those departments, for more than two years after the expira-

tion of the calendar year in which the act of appropriation shall have been passed, or to which it refers, it shall be the duty of the secretary of such department to inform the secretary of the treasury of the fact; and the secretary of the treasury shall thereupon cause such moneys to be carried to the account of the surplus fund: *Provided*, That when an act making an appropriation shall assign a longer duration for the completion of its object, no transfer of any unexpended balance to the account of the surplus fund shall be made until the expiration of the time fixed in such act.

SEC. 3. [Expenditures for services before 1815.]

SEC. 4. That nothing contained in the act of March third, one thousand eight hundred and nine, entitled "An act[1] further to amend the several acts for the establishment and regulation of the treasury, war, and navy departments," shall be so construed as to allow any appropriation whatever for the service of one year to be transferred to another branch of expenditure in a different year; nor shall any appropriations be deemed subject to be transferred, under the provisions of the above-mentioned act, after they shall have been placed in the hands of the treasurer, as agent of the war or navy departments.

SEC. 5. That the above-mentioned act of the third of March, one thousand eight hundred and nine, shall be, and the same is hereby, so amended, that the President shall be authorized to direct a portion of the moneys appropriated for any one of the following branches of expenditure in the military department, viz. for the subsistence of the army, for forage, for the medical and hospital department, for the quartermaster's department, to be applied to any other of the above-mentioned branches of expenditure in the same department: and that no transfers of appropriation, from or to other branches of expenditure, shall be hereafter made.[2]

SEC. 6. That no contract shall hereafter be made by the secretary of state, or of the treasury, or of the department of war, or of the navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting, also, contracts for the subsistence and clothing of the army

[1] Chap. 28, *ante*; and see the 3 March, 1817, chap. 96, *ante*.
[2] See chap. 96, 3 March, 1817, and sec. 2, chap. 110, 31 Aug. 1852.

or navy, and contracts[1] by the quartermaster's department, which may be made by the secretaries of those departments.

SEC. 7. That no[2] land shall be purchased on account of the United States, except under a law authorizing such purchase.

SEC. 8. That it shall be the duty of the secretary of the treasury to annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the service of the year which may have been made by former acts; and, also, a statement of the sums remaining in the treasury, or in the hands of the treasurer, as agent of the war and navy departments, from the appropriations of former years, estimating the amount of those sums which will not be required to defray expenses incurred in a previous year, and showing the whole amount which will be subject to the disposition of the executive government in the year to which the estimates apply.

[*Approved, May* 1, 1820.]

March 3, 1809, chap. 28. March 3, 1817, chap. 45. Accounts.

CHAPTER 53.—Approved, May 1, 1820.—Vol. 3, p. 569.

An Act in addition to an Act entitled "An Act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war," passed the eighteenth day of March, one thousand eight hundred and eighteen.[3]

Schedules of their estate and income to be exhibited by pensioners. Under oath. A certified copy of, and opinion of the court, sent to the secretary of war. Unless insane.

SEC. 2. Schedule, &c. to be filed. Swearing falsely.

SEC. 3. The secretary of war may strike from the pension list persons not indigent. Who restored.

By chap. 75, May 8, 1820, vol. 3, p. 570, apothecary[4] and assistant apothecaries-general to give bonds with security, &c.

[1] See sec. 3, chap. 205, 23 June, 1860.

[2] Unless taken by way of security for a debt due to the United States. 12 How. 99–107, Neilson *vs.* Lagow.

And a conveyance of land to trustees to sell and pay off a debt due to the United States by the grantor is not a purchase within the act by the United States. 12 How. 99–106, Neilson *vs.* Lagow.

[3] Chap. 19.

[4] The offices of apothecary and assistant apothecary-general are superseded by act of 2 March, 1821.

CHAPTER 97.—Approved, May 12, 1820.—Vol. 3, p. 577.

An Act to establish a uniform mode of discipline and field exercise for the militia of the United States.

That the system of discipline and field exercise, which is and shall be ordered to be observed by the regular army of the United States, in the different corps of infantry, artillery, and riflemen, shall also be observed by the militia, in the exercise and discipline of the said corps, respectively, throughout the United States.

SEC. 2. [So much of the act of 8 May, 1792,[1] as establishes the Baron de Steuben's rules and discipline, repealed.]

CHAPTER 102.—Approved, May 15, 1820.—Vol. 3, p. 582.

An Act to limit the term of office of certain officers therein named, and for other purposes.

District attorneys, collectors of customs, naval officers, surveyors of customs, navy agents, receivers of public moneys, registers of land offices, paymasters, apothecary-general and assistants, and commissary-general of purchases, to be appointed for four years, removable at pleasure.

SEC. 2. Commission of officers now in office to cease. If on or before 30 Sept. 1814, at their dates ensuing 30 Sept. 1820. If after 30 Sept. 1814, and before 1 Oct. 1816, at their dates ensuing 30 Sept. 1821. All others, four years from their dates.

SEC. 3. That it shall be lawful for the President of the United States, and he is hereby authorized, from time to time, as in his opinion the interest of the United States may require, to regulate and increase the sums for which the bonds required, or which may be required, by the laws of the United States, to be given by the said officers, and by all other officers employed in the disbursement of the public moneys under the direction of the war or navy departments, shall be given; and all bonds given in conformity with such regulations shall be as valid and effectual, to all intents and purposes, as if given for the sums respectively mentioned in the laws requiring the same.

[1] Chap. 33, sec. 7.

CHAPTER 107.—Approved, May 15, 1820.—Vol. 3, p. 592.

An Act providing for the better organization of the treasury department.[1]

1. Agent of the treasury to be designated by the President. 2. Officers receiving public money failing to account. The first comptroller to certify the amount due. Warrant of distress against delinquent and sureties. Marshal to levy by distress and sale of goods of delinquent. Ten days' notice of sale. If insufficient, may commit the officer, &c. Notice of sale. Amount due a lien upon lands, &c., of himself and sureties. Lands, &c., may be sold. Notice of sale. 3. Disbursing officers delinquent, liable to such process. 4. Persons aggrieved may prefer a bill of complaint to a district judge, &c. Who may grant an injunction. On bond and security. Not to impair the lien. Damages, if application for was for delay. 5. Granted, &c., in or out of court. 6. Party may apply to a judge of the superior court for relief. 7. Attorneys to conform to instructions from agent. The end of every term, state cases decided, &c., to agent, &c. 8. Clerks, in 30 days after term, to forward a list of judgments and decrees to the agent. Marshals, 30 days before terms, to make returns to the agent, of proceedings. 9. This act not to impair remedy of the United States.

That it shall be the duty of such officer of the treasury department as the President of the United States shall, from time to time, designate for that purpose, as the agent of the treasury, to direct and superintend all orders, suits, or proceedings, in law or equity, for the recovery of money, chattels, lands, tenements, or hereditaments, in the name and for the use of the United States.

SEC. 2. That, from and after the thirtieth day of September next, if any collector of the revenue, receiver of public money, or other officer who shall have received the public money before it is paid into the treasury of the United States, shall fail to render his account, or pay over the same, in the manner, or within the time, required by law, it shall be the duty of the first comptroller of the treasury to cause to be stated the account[2] of such collector, receiver of public money, or other officer, exhibiting truly the amount due to the United States, and certify the same to the agent of the treasury, who is hereby authorized and required to issue a warrant[3] of distress against such delinquent officer and his sureties, directed to the marshal of the district in which such delinquent officer and his surety or

[1] See the 3 March, 1797, chap. 20, as to suits against delinquents, *ante*.
[2] Copies of the accounts to be evidence, 3 March, 1797, chap. 20, sec. 2, *ante*.
[3] See form of, 6 Peters, 472, United States *vs.* Nourse.

sureties shall reside; and where the said officer and his surety or sureties shall reside in different districts, or where they, or either of them, shall reside in a district other than that in which the estate of either may be situate, which may be intended to be taken and sold, then such warrant shall be directed to the marshals of such districts, and to their deputies respectively; therein specifying the amount with which such delinquent is chargeable, and the sums, if any, which have been paid. And the marshal authorized to execute such warrant shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town and county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside; and, if the goods and chattels be not sufficient to satisfy the said warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law. Notwithstanding the commitment of such officer, or if he abscond, or if goods and chattels cannot be found sufficient to satisfy the said warrant, the marshal or his deputy may, and shall, proceed to levy and collect the sum which remains due by such delinquent officer, by the distress and sale of the goods and chattels of the surety or sureties of such officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold, at two or more public places in the town or county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels resides. And the amount due by any such officer as aforesaid shall be, and the same is hereby declared to be, a lien upon the lands, tenements, and hereditaments of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof, made in the office of the clerk of the district court of the proper district, until the same shall be discharged according to law. And for want of goods and chattels of such officer, or his surety or sureties, sufficient to satisfy any warrant of distress issued pursuant to the provisions of this act, the lands, tenements, and hereditaments of such officer and his surety or

sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, prior to the time of sale, may and shall be sold by the marshal of such district or his deputy; and for all lands, tenements, or hereditaments sold in pursuance of the authority aforesaid, the conveyance of the marshals or their deputies, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer, or his surety or sureties. And all moneys which may remain of the proceeds of such sales, after satisfying the said warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be: *Provided*, That the summary process herein directed shall not affect any surety of any officer of the United States, who became bound to the United States before the passing of this act; but each and every such officer shall, on or before the thirtieth day of September next, give new and sufficient sureties for the performance of the duties required of such officer.

SEC. 3. That, from and after the thirtieth day of September next, if any officer employed, or who has heretofore been employed, in the civil, military, or naval[1] departments of the government, to disburse the public money appropriated for the service of those departments respectively, shall fail to render his accounts, or to pay over, in the manner and in the times required by law, or the regulations of the department to which he is accountable, any sum of money remaining in the hands of such officer, it shall be the duty of the first or second comptroller of the treasury, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated and certified, the account of such delinquent officer, to the agent of the treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the preceding section, all the provisions of which are hereby declared to be applicable to every officer of the government charged with the disbursement of the public money, and to their sureties, in the same manner, and to the same extent, as if they had been described and enumerated in the said section: *Pro-*

[1] This embraces pursers of the navy. 9 Peters, 19, n. But not one charged as "late acting purser." 9 Peters, 12, n. *Ex parte* Randolph.

vided, nevertheless, That the said agent of the treasury, with the approbation of the secretary of the treasury, in cases arising under this or the preceding section, may postpone, for a reasonable time, the institution of the proceedings required by this act, where, in his opinion, the public interest will sustain no injury by such postponement.

SEC. 4. That if any person[1] should consider himself aggrieved by any warrant issued under this act, he may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge aforesaid may, if in his opinion the case requires it, grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires; but no injunction shall issue till the party applying for the same shall give bond, and sufficient security, conditioned for the performance of such judgment as shall be awarded against the complainant, in such amount as the judge granting the injunction shall prescribe; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of such warrant. And the same proceedings shall be had on such injunction as in other cases,[2] except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it shall appear to the satisfaction of the judge who shall decide upon the same, that the application for the injunction was merely for delay, in addition to the lawful interest which shall be assessed on all sums which may be found due against the complainant, the said judge is hereby authorized to add such damages as that, with the lawful interest, it shall

[1] The person against whom the distress warrant issues, although he may be neither officer nor a debtor of the United States, is entitled to the redress pointed out in the 4th section. 9 Peters, 8, 31, United States *vs.* Nourse.

After a settlement and balance against him and a distress warrant, defendant applied to a district judge, and filed a bill praying an injunction, and alleging that the money with which he was charged was not received by him in his official capacity: the judge stayed the warrant, and on answer by United States, decreed for complainant.

The United States then sued defendant, who pleaded the decree in his favor, and it was held conclusive against the United States. 9 Peters, 8, 31, United States *vs.* Nourse.

[2] In such cases, the judge proceeds according to the rules of chancery. 11 Peters, 162, United States *vs.* Cox.

It seems that the regular officers of government are the only persons who should be amenable to the warrant, and only for the sums received in that capacity. 9 Peters, 8, and n.

But if the warrant is issued against one who is no officer, or no debtor, he is entitled to redress under the 4th section. 9 Peters, 8, 31, United States *vs.* Nourse.

not exceed the rate of ten per centum per annum on the principal sum.

SEC. 5. That such injunctions may be granted or dissolved by such judge, either in or out of court.

SEC. 6. That if any person shall consider himself aggrieved by the decision of such judge, either in refusing to issue the injunction, or, if granted, on its dissolution, it shall be competent for such person to lay[1] a copy of the proceedings had before the district judge before a judge of the supreme court, to whom authority is hereby given, either to grant the injunction, or permit an appeal, as the case may be, if, in the opinion of such judge of the supreme court, the equity of the case requires it; and thereupon the same proceedings shall be had upon such injunction in the circuit court as are prescribed in the district court, and subject to the same conditions in all respects whatsoever.

SEC. 7. That the attorneys of the United States for the several judicial districts of the United States, in the prosecution of all suits in the same, in the name and for the benefit of the United States, shall conform to such directions and instructions, touching the same, as shall, from time to time, be given to them, respectively, by the said agent of the treasury. And it shall, moreover, be the duty of each of the said attorneys, immediately after the end of every term of the district and circuit courts, or of any state court, in which any suit or action may be pending, on behalf of the United States, under the direction of any district attorney, to forward to the said agent of the treasury a statement of the cases which have been decided during the said term, together with such information touching such cases as may not have been decided, as may be required by the said officer.

SEC. 8. That it shall be the duty of the clerks of the district and circuit courts, within thirty days after the adjournment of each successive term of the said courts, respectively, to forward to the said agent of the treasury a list of all judgments and decrees which have been entered in the said courts, respectively, during such term, to which the United States are parties, showing the amount which has been so adjudged or decreed for or against the United States, and stating the term to which execu-

[1] This is the only mode of redress: no appeal to a circuit court lies. 6 Peters, 470, United States *vs.* Nourse; 11 *id.* 162, United States *vs.* Cox.

tion thereon will be returnable. And it shall, in like manner, be the duty of the marshals of the several judicial districts of the United States, within thirty days before the commencement of the several terms of the said courts, to make returns, to the said agent, of the proceedings which have taken place upon all writs of execution or other process which have been placed in his hands for the collection of the money which has been so adjudged and decreed to the United States in the said courts, respectively.

SEC. 9. That nothing in this act contained shall be construed to take away or impair any right or remedy which the United States now have, by law, for the recovery of taxes, debts, or demands.

[*Approved, May* 15, 1820.]

CHAPTER 13.—Approved, March 2, 1821.—Vol. 3, p. 615.

An Act to reduce and fix the military peace establishment of the United States.

2. Artillery. Light artillery. Supernumerary captains. Infantry. Adjutant to each regiment. 3. Engineers. 4. Ordnance merged in artillery. 5. One major-general, two aids, two brigadiers, and one aid. 6. One adjutant and two inspectors general. 7. A quartermaster-general. Two quartermasters. Ten assistant quartermasters. 9. Paymaster-general and fourteen paymasters. Commissary of purchases. Storekeepers. 10. Surgeon-general. Eight surgeons. Forty-five assistant surgeons. 11. Rank, pay, &c. Subject to articles of war.

That,[1] from and after the 1st day of June next, the military peace establishment of the United States shall be composed of four regiments of artillery, and seven regiments of infantry, with such officers of engineers, of ordnance, and of the staff as are hereinafter provided for.

SEC. 2. That each regiment of artillery shall consist of one colonel, one lieutenant-colonel, one major, one sergeant-major, one quartermaster-sergeant, and nine[2] companies, one of which

[1] This first section is much altered by subsequent acts. For organization of infantry, &c., see acts of July, 1861; for do. of cavalry and of army corps, see chap. 201, July, 1862.

[2] The artillery companies are reorganized by the 23 August, 1842, chap. 186, sec. 1, the 3 March, 1847, chap. 61, sec. 18, and the 17 June, 1850, chap. 20, sec. 1.

For organization of the new regiments, see chap. 24, 29 July, 1861.

And the President is authorized to increase the companies in the army by the same act, (1850, sec. 2,) where serving in posts on the frontier and remote stations.

And the non-commissioned officers and men of the infantry are reorganized, by the 23 August, 1842, chap. 186, sec. 1.

shall be designated and equipped as light artillery; *and*[1] *that there shall be attached to each regiment of artillery one supernumerary captain to perform ordnance duty;* and that each company shall consist of one captain, two first lieutenants, two second lieutenants, four sergeants, four corporals, three artificers, two musicians, and forty-two privates. That each regiment of infantry shall consist of one colonel, one lieutenant-colonel, one major, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies; each of which shall consist of one captain, one first lieutenant, one second lieutenant, three sergeants, four corporals, two musicians, and forty-two privates; and that to each regiment of artillery and infantry there shall be one adjutant, who shall be taken from the subalterns of the line.

SEC. 3. That the corps of engineers, (bombardiers excepted,) and the topographical engineers, and their assistants, shall be retained in service as at present[2] organized.

SEC. 4.[3] *That the ordnance department shall be merged in the artillery;* and that the President of the United States be, and he is hereby, authorized to select, from the regiments of artillery, such officers as may be necessary to perform ordnance duties, who, while so detached, shall receive the pay and emoluments now[4] received by ordnance officers, and shall be subject only to the orders of the war department; and that the number of enlisted men in the ordnance department be reduced to fifty-six.

SEC. 5.[5] That there shall be one major-general, with two aids-de-camp, two brigadier-generals, each with one aid-de-camp; and that the aids-de-camp be taken from the subalterns[6] of the line, and, in addition to their other duties, shall perform the duties of assistant adjutant-general.

[1] The clause as to supernumerary captains of artillery is repealed by the 5 April, 1832, chap. 67, sec. 3.

[2] By the 16 March, 1802, chap. 9, sec. 26 and 27, *ante;* and see note to sec. 26.

[3] The ordnance is reorganized, and the clause merging it in the artillery is repealed, by the 5 April, 1832, chap. 67, sec. 3.

[4] By the 5 April, 1832, chap. 67, sec. 4, the pay and emoluments of the officers of the ordnance are the same as are allowed to artillery officers.

[5] See for the temporary increase of the generals, by the 18 June, 1846, chap. 29, to be reduced by vacancies to one major-general and two brigadiers, by the 19 July, 1848, chap. 104. Four major-generals, with three aids each, and six brigadier-generals, added to the army by sec. 3, chap. 24, 29 July, 1861.

[6] For senior aid-de-camp, see sec. 2, chap. 70, 26 Sept. 1850, *post.*

SEC. 6. That there shall be one adjutant-general, and two[1] inspectors-general, with the rank, pay, and emoluments of colonels of cavalry.

SEC. 7.[2] That there shall be one quartermaster-general; that there shall be two quartermasters, with the rank, pay, and emoluments of majors of cavalry; and ten assistant quartermasters, who shall, in addition to their pay in the line, receive a sum not less than ten dollars, nor more than twenty dollars, per month, to be regulated by the secretary of war.

SEC. 8. That there shall be one commissary-general of subsistence; and that there shall be as many assistant commissaries as the service may require, not exceeding fifty,[3] who shall be taken from the subalterns of the line, and shall, in addition to their pay in the line, receive a sum not less than $10, nor more than $20, per month; and that the assistant quartermasters, and assistant commissaries of subsistence, shall be subject to duties in both departments, under the orders of the secretary of war.

SEC. 9. That there shall be one paymaster-general, with the present[4] compensation, and fourteen paymasters, with the pay and[5] emoluments of regimental paymasters,[6] and that there

[1] See, for the adjutants-general, the 5 July, 1838, chap. 162, sec. 7, and note. And for reorganization of adjutant-general's department, see sec. 2, chap. 42, 3 Aug. 1861; and further see chap. 200, sec. 22, 17 July, 1862.

The inspectors-general were reduced to one, by the 23 Aug. 1842, chap. 186, sec. 4; but the two were restored by the 12 January, 1846, chap. 3.

Two inspectors-general added by chap. 57, 6 Aug. 1861, and five assistant inspectors-general by sec. 2, chap. 42, 3 Aug. 1861.

[2] For changes in the quartermaster's department, see the 18 May, 1826, chap. 74, sec. 4; the 5 July, 1838, chap. 162, sec. 9; and the 11 February, 1847, chap. 8, sec. 1, and sec. 3, chap. 42, 6 Aug. 1861.

The pay and emolument of the quartermaster-general, by the 28 March, 1812, chap. 46, sec. 2, *ante*, is the same as those of a brigadier-general, but see act July, 1861.

In the absence of quartermaster-general, the President may appoint one of the department to perform his duties.

The quartermaster-general and deputies to be appointed with the approbation of the Senate, by the 28 May, 1812, chap. 46, sec. 1, *ante*.

This section 7, as to the subordinate quartermasters, supplies the 28 March, 1812, chap. 46, sec. 2, *ante*, and the 14 April, 1818, chap. 61, sec. 3, *ante*.

[3] This section 8 of the commissary-general and his assistants was to continue only five years, by the 2 March, 1829, chap. 42, sec. 8. See the 14 April, 1818, chap. 61.

[4] Two thousand five hundred dollars a year, by the 24 April, 1816, chap. 69, sec. 3, and the 2 March, 1821, chap. 13, sec. 9, and $240 more by chap. 55, 21 Feb. 1857.

See, for the organization of the pay department, the 24 April, 1816, chap. 69, sec. 3; the officers of which were to be taken from the subalterns of the line. See, for increase of pay department, the 4 July, 1836, chap. 356, sec. 1; the 3 March, 1847, chap. 61, sec. 12; and for the entire reorganization of the pay department, the 2 March, 1849, chap. 80.

[5] Of majors of infantry: see the 24 April, 1816, chap. 69, sec. 3, *ante*, proviso; and see now the 2 March, 1849, chap. 80, and note.

[6] As distinguished from a staff-major. 10 Peters, 656, Wetmore *vs.* United States.

shall be *one commissary of purchases*,[1] and two military storekeepers, to be attached to the purchasing department.

SEC. 10.[2] That the medical department shall consist of one surgeon-general, eight surgeons, with the compensation of regimental surgeons, and[3] forty-five assistant surgeons, with the compensation of post surgeons.

SEC. 11. That the officers, non-commissioned officers, artificers, musicians, and privates, retained by this act, except those specially provided for, shall have the same rank, pay, and emoluments as are provided, in like cases, by existing[4] laws; and that the force authorized and continued in service under this act shall be subject to the rules and articles of war.

SEC. 12. That the President of the United States cause to be arranged the officers, non-commissioned officers, artificers, musicians, and privates, of the several corps now in the service of the United States, in such manner as to form and complete, out of the same, the force authorized by this act, and cause the supernumerary officers, non-commissioned officers, artificers, musicians, and privates, to be discharged from the service of the United States.

SEC. 13. That there shall be allowed and paid to each commissioned officer who shall be discharged from the service of the United States in pursuance of this act, three months' pay, in addition to the pay and emoluments to which he may be entitled by law at the time of his discharge.

SEC. 14.[5] That the system of "General Regulations for the Army," compiled by Major-General Scott, shall be, and the same is hereby, approved and adopted for the government of the army of the United States, and of the militia when in the service of the United States.

[*Approved, March* 2, 1821.]

[1] The office of commissary of purchases was abolished by the 23 August, 1842, chap. 186, sec. 3.

[2] The organization of the medical department seems to be entirely changed by this act. It supplies the 2 March, 1799, chap. 27, vol. 1, p. 721, with respect to the hospitals and hospital surgeons, and the appointment of the apothecary-general and his assistants of the 30 March, 1814, chap. 37, sec. 11, and the 15 May, 1820, chap. 104, sec. 1. See chap. 55, 16 April, 1862, and chap. 127, — July, 1862.

[3] Three surgeons and five assistants added by the 4 July, 1836, chap. 356, sec. 4; and see for additions the 23 August, 1842, chap. 186, sec. 4; the 28 July, 1832, chap. 150; the 30 July, 1834, chap. 133, and the 11 February, 1847, chap. 8, sec. 8. See act of 1856. And see 2 chap. 163, 21 June, 1860; and see chap. 51, 16 April, 1862, and chaps. 55 and 127, as in note above.

[4] See the 16 March, 1802, chap. 9, sec. 4; the 12 April, 1808, sec. 4, and note; and the 14 January, 1812, chap. 14.

[5] This section repealed by chap. 88, 7 May, 1822, *post*.

CHAPTER 88.—Approved, May 7, 1822.—Vol. 3, p. 686.

An Act to repeal the fourteenth section of "An Act to reduce and fix the military peace establishment," passed the second day of March, one thousand eight hundred and twenty-one.

That the fourteenth section of the act entitled "An act to reduce and fix the military peace establishment," passed the 2d day of March, 1821,[1] be, and the same is hereby, repealed.

CHAPTER 90.—Approved, May 7, 1822.—Vol. 3, p. 688.

An Act further to amend the several Acts relative to the treasury, war, and navy departments.

SEC. 3. That all moneys appropriated for the use of the war and navy departments, shall, from and after the day and year last aforesaid, be drawn from the treasury, by warrants of the secretary of the treasury, upon the requisitions of the secretaries of those departments, respectively, countersigned by the second comptroller of the treasury, and registered by the proper auditor.

[SEC. 4 repeals so much of the act of 3 March, 1817, chap. 45, as is repugnant to this act.]

CHAPTER 5.—Approved, January 23, 1823.—Vol. 3, p. 721.

An Act to continue the present mode of supplying the army of the United States.[2]

That the seventh, eighth, ninth, and tenth sections of the act entitled "An act regulating the staff of the army,"[3] passed April 14, 1818, be, and the same are hereby, continued in force for the term of five years, and until the end of the next session of Congress thereafter.

[1] Chap. 13, *ante*. That section approved and adopted General Scott's system of "General Regulations for the Army."

[2] See act 2 March, 1829, chap. 42.

[3] Chap. 61.

[4] See 3 March, 1835, chap. 49, by which it is continued perpetually.

CHAPTER 9.—Approved, January 31, 1823.—Vol. 3, p. 723.

An Act concerning the disbursement of public money.

1. No advance of public money. Unless necessary to promptness. Or on distant stations. 2. Officers or agents of the United States to account quarterly. 3. Officers or agents offending, to be reported to the President and dismissed. 4. No security to government to be impaired.

That, from and after the passing of this act, no advance of public money shall be made in any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment: *Provided*, That it shall be lawful, under the especial[1] direction of the President of the United States, to make such advances to the disbursing officers of the government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements: *And provided, also*, That the President of the United States may direct such advances as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected.

SEC. 2. That every officer or agent of the United States, who shall receive public money which he is not authorized to retain, as salary, pay, or emolument, shall render his accounts quarterly to the proper accounting officers of the treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States; and within six months, if resident in a foreign country: *Provided*, That nothing herein contained shall be construed to restrain the secretaries of any of the departments from requiring such returns from the officer or agent, subject to the control of such secretaries, as the public interest may require.

SEC. 3. That every officer or agent of the United States who

[1] The President is not expected to be the administrative officer of the departments, and his general order to the bureaus to advance funds to disbursing officers authorizes such payments. 1 How. 290, Williams *vs.* United States.

shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided*, That in all cases where any officer, in default as aforesaid, shall account to the satisfaction of the President for such default, he may be continued in office, any thing in the foregoing provision to the contrary notwithstanding.

SEC. 4. That no security given to, or obligation entered into, with the government, shall be in any wise impaired by the dismissing any officer, or from failure of the President to dismiss any officer, coming under the provisions of this act.

[*Approved, January* 31, 1823.]

March 3, 1797, chap. 20.

CHAPTER 37.—Approved, March 1, 1823.—Vol. 3, p. 770.

An Act in addition to the Act entitled "An Act for the prompt settlement of public accounts," and for the punishment of the crime of perjury.

3. Persons swearing falsely shall suffer as for perjury.

SEC. 3.[1] That if any person shall swear or[2] affirm falsely touching the expenditure of public money, or in support of any claim against the United States, he or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury.

[1] The 1st and 2d sections are for settlement of pending accounts, and are omitted.

[2] This includes all cases of swearing, &c., required by the practice of the treasury department, in the expenditure of public money, or in support of any claims against the United States. 9 Peters, 238, 256, United States *vs.* Bailey.

And a false oath taken before a justice of the peace, authorized by regulation of the treasury department to take oaths as evidence at the department in support of a claim against the United States, is perjury. 9 Peters, 238–257, United States *v.* Bailey.

It is not necessary to allege the intent to have been felonious. 9 Peters, 238.

CHAPTER 59.—Approved, March 1, 1823.—Vol. 3, p. 782.

An Act supplementary to the Acts to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war.

Secretary of war to restore pensioners struck off by the 1st of May, 1820,[1] if indigent.

SEC. 2. A judge may attend at the dwelling of persons unable to attend in court.

SEC. 3. Pensions to commence after this act, &c.

CHAPTER 71.—Approved, March 3, 1823.—Vol. 3, p. 788.

An Act to establish a national armory on the western waters.[2]

That the President of the United States be, and he is hereby, authorized to employ a skilful engineer or officer of the ordnance department, with such other person or persons as he may judge proper, to examine the most suitable site for a national armory on the western waters; and that the said engineer, and such other person or persons, be requested to report the result of their examinations to Congress at the commencement of its next session, particularly designating the sites by them examined, with the comparative advantages of each, and an estimate showing the amount necessary for purchasing each, and erecting all necessary buildings thereon.

SEC. 2. That the sum of $5000 be, and the same is hereby, appropriated to effect the object of this act.

CHAPTER 46.—Approved, April 30, 1824.—Vol. 4, p. 23.

An Act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals.

That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates to be made of the routes of such roads and canals as he may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail; designating, in the case of each canal, what parts may be made capable of sloop navigation: the surveys, plans, and estimates for each, when completed, to be laid before Congress.

SEC. 2. That, to carry into effect the objects of this act, the President be, and he is hereby, authorized *to employ*[3] *two or more skilful civil engineers*, and such officers[4] of the corps of engineers, or who may be detailed to do duty with that corps, as he may think proper; and the sum of $30,000 be, and the same is hereby, appropriated, to be paid out of any moneys in the treasury not otherwise appropriated.

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[1] Chap. 53, *ante*.

[2] See act July, 1862, chap. 148.

[3] Clause in italics repealed by the 5 July, 1838, chap. 162, sec. 6.

[4] To receive the pay, &c., as in the dragoons, by the act above cited, ch. 162, sec. 5

CHAPTER 18.—Approved, March 3, 1825.—Vol. 4, p. 94.

An Act for arming the militia of the District of Columbia.[1]

That the act of the 23d of April, 1808,[2] entitled "An act making provision for arming and equipping the whole body of the militia of the United States," be, and the same is hereby, declared to extend to the District of Columbia; and the President of the United States is hereby authorized and directed to issue arms and military equipments to the militia of said District, under such regulations for the return thereof as he may deem it proper to prescribe.

CHAPTER 93.—Approved, March 3, 1825.—Vol. 4, p. 127.

An Act to authorize the sale of unserviceable ordnance, arms, and military stores.

That the President of the United States be, and he is hereby, authorized to cause to be sold any ordnance, arms, ammunition, or other military stores, or subsistence, or medical supplies, which, upon proper inspection or survey, shall appear to be damaged, or otherwise unsuitable for the public service, whenever, in his opinion, the sale of such unserviceable stores will be advantageous to the public service.

SEC. 2. That the inspection or survey of the unserviceable stores shall be made by an inspector-general, or such other officer or officers as the secretary of war may appoint for that purpose; and the sales shall be made under such rules and regulations as may be prescribed by the secretary of war.

CHAPTER 30.—Approved May 4, 1826.—Vol. 4, p. 157.

An Act to exempt the professors, tutors, stewards, and students of the different seminaries of learning, in the District of Columbia, from militia duty.[3]

[Professors, &c., exempt from militia duty except in case of war.]

[1] Substituted in sec. 7, chap. 169, 3 March, 1855, *post.*
[2] See chap. 55, and note.
[3] This act is also printed among the private acts in vol. 6, p. 339.—L. & B.

CHAPTER 74.—Approved, May 18, 1826.—Vol. 4, p. 173.

An Act regulating the accountability for clothing and equipage issued to the army of the United States, and for the better organization of the quartermaster's department.

1. Quartermaster's department to distribute clothing, &c. 2. Commanders of companies, &c., to return supplies every quarter. 3. Duty of officers charged with the issue of clothing and supplies. 4. Two quartermasters and ten assistants appointed. To receive forage. 5. Officers to give bond.

That it shall be the duty of the quartermaster's department, in addition[1] to its present duties, to receive from the purchasing department, and distribute to the army of the United States, all clothing and camp and garrison equipage required for the use of the troops; and that it shall be the duty of the quartermaster-general, under the direction of the secretary of war, to prescribe and enforce, under the provisions of this act, a system of accountability for all clothing and equipage issued to the army.

SEC. 2. That every captain, or commander of a company, detachment, or recruiting station, or other officer, who shall have received clothing or camp equipage for the use of his command, or for issue to the troops, shall render to the quartermaster-general, at the expiration of each regular quarter of the year, quarterly returns of such supplies, according to the forms which may be prescribed, accompanied by the requisite vouchers for any issue that shall have been made; which returns and vouchers, after due examination by the quartermaster-general, shall be transmitted for settlement to the proper office of the treasury department.

SEC. 3. That it shall be the duty of all officers charged with the issue of clothing, or other supplies, carefully to preserve the same from waste or damage; and, in case of deficiency, on final settlement, of any article of supplies, the value thereof shall be charged against the delinquent, and deducted from his monthly pay, unless he shall show, to the satisfaction of the secretary of war, by one or more depositions, setting forth the circumstances of the case, that the said deficiency was occasioned by unavoidable accident, or was lost in actual service, without any fault on his part; and, in case of damage, he shall also be subject to charge for the damage actually sustained, unless he shall

[1] See the 28 March, 1812, chap. 46, sec. 3, *ante*, for duties of.

show, in like manner, to the satisfaction of the secretary of war, that due care and attention were given to the preservation of said supplies, and that the damage did not result from neglect.

SEC. 4. That, the better to enable the quartermaster's department to carry into effect the provisions of this act, there be appointed two additional quartermasters,[1] and ten assistant quartermasters, to be taken from the line of the army, who shall have the same rank and compensation as are provided for like grades by the act entitled "An act to reduce and fix the military peace establishment of the United States," approved the second day of March, one thousand eight hundred and twenty-one:[2] *Provided*, That assistant quartermasters be entitled, also, to receive the allowance of forage heretofore[3] authorized, by law, to regimental and battalion quartermasters.

SEC. 5. That each officer appointed under this act shall, before he enter upon his duties, give bond, with sufficient surety, to be approved by the secretary of war, in such sum as the President shall direct, with condition for the faithful performance of the duties of his office.

[*Approved*, *May* 18, 1826.]

March 28, 1812, chap. 46, sec. 3. May 22, 1812, chap. 92.
July 5, 1838, chap. 142, sec. 9, &c.

[By chap. 82, 20 May, 1826, vol. 4, p. 178, Secretary of War to cause to be purchased in the vicinity of Augusta, Georgia, a proper site for a United States arsenal.

A sum not exceeding $70,000 appropriated, &c.]

[By chap. 88, 20 May, 1826, vol. 4, p. 179, Secretary of War to purchase a site for an arsenal at or in the vicinity of Saint Louis, Missouri. $15,000 appropriated.]

[1] For other additions, see sec. 3, chap. 42, 3 August, 1861.
[2] Chap. 13, sec. 7.
[3] By the 12 April, 1808, chap. 43, sec. 4, *ante*.

RESOLUTION 3.—By May 18, 1826.—Vol. 4, p. 195.

Resolution directing a system of cavalry tactics, and a system of instruction for artillery, to be prepared for the use of the cavalry and artillery of the militia.

That the secretary of war be authorized to have prepared a complete system of cavalry tactics, and also a system of exercise and instruction of field artillery, including manœuvres for light or horse artillery, for the use of the militiæ of the United States, to be reported for consideration or adoption by Congress at its next session.[1]

CHAPTER 42.—Approved, March 2, 1827.—Vol. 4, p. 297.

An Act[2] *giving further compensation to the captains and subalterns of the army of the United States, in certain cases.*

That, from and after the passing of this act, each captain and subaltern in the army shall be allowed one additional ration.

SEC. 2. That every officer in the actual command of a company in the army of the United States shall be entitled to receive ten dollars per month additional pay, as compensation for his duties and responsibilities, with respect to the clothing, arms, and accoutrements of the company, whilst he shall be in the actual command thereof: *Provided*, That no subaltern officer,[3] who shall be in the performance of any staff duty, for which he receives an extra compensation, shall be entitled to the additional ration herein provided for.

[By chap. 80, 3 March, 1827, vol. 4, p. 241, Secretary of War authorized to purchase a site for an arsenal in Augusta, Maine.]

CHAPTER 2.—Approved, January 25, 1828.—Vol. 4, p. 246.

An Act to prevent defalcations on the part of the disbursing agents of the government, and for other purposes.[4]

That no money hereafter appropriated shall be paid to any person, for his compensation, who is in arrears to the United

[1] Reported by secretary of war, January, 1827, and 60,000 copies ordered to be printed and distributed by chap. 38, 2 March, 1829.

[2] This act is not repealed by the 30 June, 1834, chap. 132. 3 How. 567.

[3] Lieutenants holding the appointments of adjutant and regimental quartermaster receive the 4th ration, 3 March, 1847, sec. 10, chap. 61.

[4] Not to apply to pensions: see act 20 May, 1836, chap. 77.

States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable: *Provided*, That nothing herein contained shall be construed to extend to balances arising solely from the depreciation of treasury notes received by such person, to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officers, if demanded by the party, his agent or attorney, to report, forthwith, to the agent of the treasury department, the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

[*Approved, January* 25, 1828.]

CHAPTER 53.—Approved, May 15, 1828.—Vol. 4, p. 269.

An Act for the relief of certain surviving officers and soldiers of the army of the revolution.[2]

1. Officers of the revolution in the continental line to receive pay according to rank not over captains. 2. Pension since March 3, 1826, first deducted. 3. Non-commissioned officer, &c., who enlisted in said line and served during the war. If not on pension list. 4. How paid. Not transferable, and liable to execution, &c.

That each of the surviving officers of the army of the revolution in the continental line, who was entitled to half pay by the resolve of October twenty-first, seventeen hundred and eighty, be authorized to receive, *out of any money in the treasury not otherwise appropriated*,[2] the amount of his full pay in said line, according to his rank in the line, to begin on the third day of March, one thousand eight hundred and twenty-six, and to continue during his natural life: *Provided*, That, under this act, no officer shall be entitled to receive a larger sum than the full pay of a captain in said line.

SEC. 2.[3] That whenever any of said officers has received money of the United States, as a pensioner, since the third day

[1] The provisions of this act extended to two years' service, &c., by the 7 June, 1832, chap. 126, and to widows, by the 2 Feb. 1848, chap. 8, sec. 1.

[2] Words in italics repealed by sec. 2, chap. 14, 5 April, 1856.

[3] This section not to embrace invalid pensioners, by 31 May, 1830, chap. 228, and the 14 July, 1832, chap. 237.

of March, one thousand eight hundred and twenty-six, aforesaid, the sum so received shall be deducted from what said officer would otherwise be entitled to, under the first section of this act; and every pension to which said officer is now entitled shall cease after the passage of this act.

SEC. 3. That every surviving non-commissioned officer, musician, or private, in said army, who enlisted therein for and during the war, and continued in service until its termination, and thereby became entitled to receive a reward of eighty dollars, under a resolve of Congress, passed May fifteenth, seventeen hundred and seventy-eight, shall be entitled to receive his full monthly pay in said service, *out of any money in the treasury not otherwise appropriated;* to begin on the third day of March, one thousand eight hundred and twenty-six, and to continue during his natural life: *Provided*, That no[1] non-commissioned officer, musician, or private in said army, who is now on the pension list of the United States, shall be entitled to the benefits of this act.

SEC. 4. That the pay allowed by this act shall, under the direction of the secretary of *the treasury*,[2] be paid to the officer or soldier entitled thereto, or to their authorized attorney, at such places and days as said secretary may direct; and that no foreign officer shall be entitled to said pay, nor shall any officer or soldier receive the same, until he furnish to said secretary satisfactory evidence that he is entitled to the same in conformity to the provisions of this act; and the pay allowed by this act shall not, in any way, be transferable or liable to attachment, levy, or seizure, by any legal process whatever, but shall inure wholly to the personal benefit of the officer or soldier entitled to the same by this act.

SEC. 5. [Pay accrued by this act before 3 March, 1828, to be paid.]

[*Approved, May* 15, 1828.]

[1] This section (3) not to apply to invalid pensioners, 14 July, 1832, chap. 237; and see the 31 May, 1830, chap. 228, making same provision.

[2] Of war, by the 3 March, 1835, chap. 46, sec. 4; supplied, and duties of, transferred to the interior, by the 3 March, 1849, chap. 108, sec. 6.

CHAPTER 28.—Approved, March 2, 1829.—Vol. 4, p. 350.

An Act making provision for the payment of pensions to the widow or children of pensioners, in certain cases, and for other purposes.

1. Arrears of pension to be paid to representatives of invalid pensioner dying before certificate. 2. Arrears to be paid to widow, &c. 3. Proof of wounds.

That, in case of the death of any invalid pensioner before the certificate of the continuance of his disability required by the act entitled "An act[1] regulating the payments to invalid pensioners," passed March third, one thousand eight hundred and nineteen, was obtained, it shall be lawful for the secretary of war, and he is hereby directed, to pay to the legal representatives of such deceased invalid, the arrears of pensions due at the time of his death, at the rate at which it was fixed at his last examination: *Provided*, Such last examination was within two years from the time of his death.

SEC. 2. That, whenever any revolutionary pensioner shall die, the secretary of war shall cause to be paid the arrears of pension due to the said pensioner at the time of his death; and all payments under this act shall be made to the widow of the deceased pensioner, or to her attorney, or, if he left no widow, or she be dead, to the children of the pensioner, or to the guardian, or his attorney; and, if no child or children, then to the legal representatives of the deceased.

SEC. 3. That, in all cases of applications for pensions for wounds received in the revolutionary war, the testimony to establish the facts may be authenticated in the same manner with those who apply for pensions for wounds received in the late war with Great Britain.

[By chap. 38, 2 March, 1829, vol. 4, p. 357, secretary of war to contract for 60,000 copies Infantry Tactics, and 5000 copies Exercise of Field Artillery. To be distributed among the states, territories, and District of Columbia, through their chief magistrates, &c. Appropriation, $14,790.]

[1] Chap. 81. The act of 1819 (providing for proof of wounds, &c.) is repealed by the 14 July, 1832, chap. 234, vol. 4, p. 599.

Chapter 42.—Approved, March 2, 1829.—Vol. 4, p. 360.

An Act to continue the present mode of supplying the army of the United States.

That the sixth, seventh, eighth, ninth, and tenth sections of the act, entitled "An act regulating the staff of the army of the United States,"[1] passed April 14, 1818, and the eighth section of the act entitled "An act to reduce and fix the military peace establishment of the United States,"[2] passed March 2, 1821, are hereby continued in force for five years from the passing of this act, and thence to the end of the next session of Congress thereafter, and no longer.

Sec. 2. That, the better to enable the commissary-general of subsistence to carry into effect the provisions of the above-specified acts, there be appointed two commissaries, to be taken from the line of the army, one of whom shall have the same rank, pay, and emoluments as quartermaster, and the other with the rank, pay, and emoluments of assistant quartermaster.[3]

Chapter 179.—Approved, May 29, 1830.—Vol. 4, p. 417.

An Act to alter and amend the sixty-fifth article of the first section of an Act entitled "An Act for establishing rules and articles for the government of the armies of the United States," passed the tenth of April, one thousand eight hundred and six.

That, whenever a general officer commanding an army, or a colonel commanding a separate department, shall be the accuser or prosecutor of any officer of the army of the United States under his command, the general court-martial for the trial of such officer shall be appointed by the President of the United States.

Sec. 2. That the proceedings and sentence of the said court shall be sent directly to the secretary of war, to be by him laid before the President for his confirmation, or approval, or orders in the case.

Sec. 3. That so much of the sixty-fifth article of the first section of "An act for establishing rules and articles for the government of the armies of the United States," passed on the 10th of April, 1806, as is repugnant hereto, be, and the same is hereby, repealed.

[1] Chap. 61. [2] See chap. 13. [3] See chap. 49, 3 March, 1835, &c.

Chapter 183.—Approved, May 29, 1830.—Vol. 4, p. 418.

An Act to exempt deserters, in time of peace, from the punishment of death.

That, from and after the passage of this act, no officer or soldier in the army of the United States shall be subject to the punishment of death for desertion in time of peace.[1]

[By chap. 228, May 31, 1830, vol. 4, p. 426, invalid pensioners not to be subject to deductions[2] contained in sec. 2, chap. 53, May 15, 1828.]

Chapter 67.—Approved, April 5, 1832.—Vol. 4, p. 504.

An Act providing for the organization of the ordnance department.

1. Ordnance department to consist of, &c. 2. Ordnance sergeants. 3. Lieutenants may be selected for ordnance duty. 4. Government and pay.

That, from and after the passage of this act, the ordnance department shall consist of one colonel,[3] one lieutenant-colonel, two majors, and ten captains, and as many enlisted men as the public service may require, not exceeding two hundred and fifty.

Sec. 2. That the secretary of war be authorized to select from the sergeants of the line of the army, who shall have faithfully served eight years in the service, four years of which in the grade of non-commissioned officer, as many ordnance sergeants as the service may require, not to exceed one for each military post; whose duty it shall be to receive and preserve the ordnance, arms, ammunition, and other military stores, at the post, under the direction of the commanding officer of the same, and under such regulations as shall be prescribed by the secretary

[1] See Articles of War, art. 20, 10 April, 1806; ibid. art. 65.
[2] And see 14 July, 1832, chap. 237.
[3] See 5 July, 1838, chap. 162, and note. See also sec. 3, chap. 42, 3 August, 1861, for further increase.

of war, and who shall receive for their services five dollars per month, in addition to their pay in the line.[1]

SEC. 3. That the first section of the act passed on the 8th of February, 1815, entitled "An act[2] for the better regulation of the ordnance department," and so much of the second section of the act entitled "An act[3] to reduce and fix the military peace establishment of the United States," passed the 2d of March, 1821, as provides for one supernumerary captain to each regiment of artillery, to perform ordnance duty, and so much of the fourth section of the same act as merges the ordnance department in the artillery, and reduces the number of enlisted men, be, and the same are hereby, repealed:

Provided, That nothing contained in this act shall be so construed as to divest the President of the United States of authority[4] to select from the regiments of artillery such number of lieutenants as may be necessary[5] for the performance of the duties of the ordnance department.

SEC. 4. That all officers and enlisted men authorized by this act shall be subject to the rules and articles of war, and that the officers[6] shall receive the pay and emoluments now allowed, or which may hereafter[7] be allowed, to artillery officers.

[*Approved, April* 5, 1832.]

CHAPTER 126.—Approved, June 7, 1832.—Vol. 4, p. 529.

An Act supplementary to the "Act[8] for the relief of certain surviving officers and soldiers of the revolution."

1. Who served two years, to receive pay according to rank, not over captain's. Serving six months, to receive an annuity. 2. Pensioners to have benefits of this act until pension is relinquished. 3. Where paid. Foreign officers not entitled to, until evidence of right to. Not transferable, &c. 4. Payments. On death, to widow or children.

That each of the surviving officers, non-commissioned officers, musicians, soldiers, and Indian spies, who shall have served[9] in the continental line, or state troops, volunteers, or militia, at one

[1] In all, $22 per month.
[2] Chap. 38. [3] Chap. 13. [4] By 2 March, 1821.
[5] See 5 July, 1838, for additions, and 1 July, 1838, and 3 March, 1847.
[6] See 5 July, 1838.
[7] Includes $10 per month for care of clothing, &c.
[8] Chap. 53, 15 May, 1828.
[9] Imprisonment as a prisoner of war to be computed: res. 9, 14 July, 1832.

or more terms, a period of two years,[1] during the war of the revolution, and who are not entitled to any benefit under the act for the relief of certain surviving officers and soldiers of the revolution,[2] passed the fifteenth day of May, eighteen hundred and twenty-eight, be authorized to receive, out of any money in the treasury not otherwise appropriated, the amount of his full pay in the said line, according to his rank, but not exceeding, in any case, the pay of a captain in the said line; such pay to commence from the fourth day of March, one thousand eight hundred and thirty-one, and shall continue during his natural life; and that any such officer, non-commissioned officer, musician, or private, as aforesaid, who shall have served in the continental line, state troops, volunteers, or militia, a term or terms in the whole less than the above period, but[3] not less than six months, shall be authorized to receive *out of any unappropriated money in the treasury*,[4] during his natural life, each according to his term of service, an amount bearing such proportion to the annuity granted to the same rank for the service of two years as his term of service did to the term aforesaid; to commence from the fourth day of March, one thousand eight hundred and thirty-one.

SEC. 2. That no person[5] receiving any annuity or pension under any law of the United States providing for revolutionary officers and soldiers, shall be entitled to the benefits of this act, unless he shall first relinquish his further claim to such pension; and in all payments under this act, the amount which may have been received under any other act as aforesaid, since the date at which the payments under this act shall commence, shall first be deducted from such payment.

SEC. 3. That the pay allowed by this act shall, under the direction of the secretary of the treasury,[6] be paid to the officer,

[1] The 15 May, 1828, chap. 53.

[2] Extended in case of death to the widow of such as have, or may die, if married before 1 January, 1794, by the 2 February, 1848, chap. 8; and see the 4 July, 1836, chap. 362, sec. 3, as to widows.

The pension of one dying after 4 March, 1831, and before 7 July, 1832, payable to widow or heirs, as if he had lived, by the 4 July, 1836, chap. 342, sec. 2.

[3] See how computation to be made, by the res. No. 2, 2 March, 1833, and resolution 9, 14 July, 1832.

[4] Words in italics repealed by sec. 2, chap. 14, 5 April, 1856.

[5] Unless they are invalid pensioners: 19 February, 1833, chap. 31.

[6] Of war, by the res. No. 4, 28 June, 1832, vol. 4, p. 605; now the secretary of the interior, by the 3 March, 1849, chap. 108, sec. 6.

non-commissioned officer, musician, or private entitled thereto, or his or their authorized attorney, at such places and times as the secretary of the treasury may direct, and that no foreign officer shall be entitled to said pay, nor shall any officer, non-commissioned officer, musician, or private receive the same until he furnish the said secretary satisfactory evidence that he is entitled to the same, in conformity to the provisions of this act; and the pay hereby allowed shall not be in any way transferable or liable to attachment, levy, or seizure by any legal process whatever, but shall inure wholly to the personal benefit of the officer, non-commissioned officer, musician, or soldier entitled to the same.

SEC. 4. That so much of the said pay as accrued before the approval of this act shall be paid to the person entitled to the same, as soon as may be, in the manner and under the provisions above mentioned; and the pay which shall accrue thereafter shall be paid semi-annually, in the manner above directed; and in case of the death of any person embraced by the provisions of this act, or of the act to which it is supplementary, during the period intervening between the semi-annual payments directed to be made by said acts, the proportionate amount of pay which shall accrue between the last preceding semi-annual payment and the death of such person shall be paid to his widow, or, if he leave no widow, to his children.

[*Approved, June* 7, 1832.]

CHAPTER 131.—Approved, June 15, 1832.—Vol. 4, p. 533.

An Act to authorize the President to raise mounted riflemen for the defence of the frontier.[1]

That the President of the United States be, and he is hereby, authorized to raise, either by the acceptance of volunteers, or enlistment for one year unless sooner discharged, six hundred mounted rangers, to be armed, equipped, mounted, and organized in such manner, and to be under such regulations and restrictions, as the nature of the service may, in his opinion, make necessary.

SEC. 2. That each of the said companies of rangers shall consist of one captain, one first, one second, and one third lieutenant, five sergeants, five corporals, and one hundred privates; the whole to form a battalion, and be commanded by a major.

[1] Superseded by act of 2 March, 1883, chap. 76.

SEC. 3. That the said non-commissioned officers and privates shall arm and equip themselves unless otherwise ordered by the President, and provide their own horses, and shall be allowed each $1 per day as a full compensation for their services and the use of their arms and horses. The commissioned officers shall receive the same pay and emoluments as officers of the same grade in the army of the United States; and the officers shall be allowed forage for their horses, and be entitled to the same rations as those of the same grade in the army of the United States, respectively.

SEC. 4. That the officers, non-commissioned officers, and privates, raised pursuant to this act, shall be entitled to the like compensation, in case of disability by wounds or otherwise incurred in the service, as has heretofore been allowed to officers, non-commissioned officers, and privates in the military establishment of the United States; and shall be subjected to the rules and articles of war, and such regulations as have been or shall be established according to law for the government of the army of the United States, as far as the same may be applicable to the said rangers within the intent and meaning of this act, for the protection and defence of the Northwestern frontier of the United States.

SEC. 5. That the President of the United States, by and with the advice and consent of the senate, is hereby authorized to appoint all the officers proper to be appointed under this act; which appointments may be made during the recess of the senate, but shall be submitted to the senate at their next session for their advice and consent; and that the sum of $50,000 be, and the same is hereby, appropriated for the purpose of carrying this act into effect.

[*Approved, June* 15, 1832.]

CHAPTER 150.—Approved, June 28, 1832.—Vol. 4, p. 550.

An Act to increase the number of surgeons and assistant surgeons in the army of the United States.[1]

That the President be, and he is hereby, authorized, by and with the advice and consent of the senate, to appoint four additional surgeons and ten additional surgeon's mates, in the army of the United States.

CHAPTER 224.—Approved, July 14, 1832.—Vol. 4, p. 580.

An Act supplementary to the several Acts making appropriation for the civil and military service during the year one thousand eight hundred and thirty-two.

[EXTRACT.]

SEC. 4. That it shall be the duty of the district paymasters of the army of the United States, in addition to the payments required

[1] See 14 July, 1836, further increasing the medical staff, and sec. 2, chap. 163, 21 June, 1860, and see note to chap. 42, 3 August, 1861; and see chap. 51, 16 April, 1862; chap. 55, &c.

to be made by them to the regular troops, to make payment to all other troops in the service of the United States, whenever required thereto by order of the President.[1]

[*Approved, July* 14, 1832.]

Chapter 236.—Approved, July 14, 1832.—Vol. 4, p. 599.

An Act for the relief of the invalid pensioners of the United States.

That an act entitled "An act[2] regulating the payments to invalid pensioners," approved the 3d day of March, 1819, be, and the same is hereby, repealed.

Chapter 237.—Approved, July 14, 1832.—Vol. 4, p. 600.

An Act to amend the Act entitled "An Act for the relief of certain surviving officers and soldiers of the army of the revolution."

[Third section of the act of May 15, 1828, chap. 53, not to embrace invalid pensioners, and the pension of invalid soldiers not to be deducted from the amount due them under that act.]

[By resolution 8, July 14, 1832, vol. 4, p. 607, resolution No. 7, approved 29 April, 1816, authorizing the President of the United States to employ a skilful assistant in the corps of engineers, repealed.]

Resolution 9.—Approved, July 14, 1832.—Vol. 4, p. 608.

Resolution in relation to the execution of the Act supplementary to the Act for the relief of certain surviving officers and soldiers of the revolution.

That, in the execution of the act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution, approved June 7, 1832,[3] the time of imprisonment as prisoners of war shall be taken and computed as a part of the period of service.

[1] See act 2 March, 1833, chap. 61. [2] Chap. 81. [3] Chap. 126.

CHAPTER 31.—Approved, February 19, 1833.—Vol. 4, p. 612.

An Act to amend an Act entitled "An Act supplementary to the Act for the relief of certain surviving officers and soldiers of the revolution."

That the second section of the act entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," approved 7 June, 1832,[1] shall not be construed to embrace invalid pensioners, and that the pensions of invalid soldiers shall not be deducted from the amount receivable by them under the said act.

CHAPTER 61.—Approved, March 2, 1833.—Vol. 4, p. 644.

An Act making appropriation for the support of the army for the year one thousand eight hundred and thirty-three.

[EXTRACT.]

SEC. 2. That the secretary of war be authorized, at his discretion, out of the moneys appropriated by this or any former act for the payment of the militia ordered into the service of the United States, according to law, during the last year, to allow and pay to the district paymasters of the army of the United States employed in making such payments, a commission on the sums respectively paid by them, not exceeding one per centum upon the amounts.[2]

CHAPTER 68.—Approved, March 2, 1833.—Vol. 4, p. 647.

An Act to improve the condition of the non-commissioned officers and privates of the army and marine corps of the United States, and to prevent desertion.

1. Army. Term of enlistment, and pay. Marine corps. Term of enlistment, and pay. 6. No convict to be enlisted.

That from and after the passage of this act [all[3] enlistments in the army of the United States shall be for three years;[4] and that the monthly pay of the non-commissioned officers and soldiers shall be as follows: viz. to each sergeant-major, quartermaster-sergeant, and chief musician, $16; to the first sergeant of a company, $15; to all other sergeants, $12 each; to each artificer, $10; to each corporal, $8; and to each musician and private soldier, $6.]

SEC. 2. That *one dollar* of the monthly pay of every musician and private soldier shall be retained until the expiration of the two first years[5] of their

[1] Chap. 126.

[2] See chap. 224, 14 July, 1832, and chap. 168, 12 Aug. 1848, *post.*

[3] Part in brackets supplied by 5 July, 1838, chap. 162, sec. 16.

[4] See acts of July, 1861 and 1862; and for pay of enlisted men, see same acts.

[5] During whole term of enlistment, by 3 March, 1849, chap. 103, sec. 8; $2 per month, by sec. 10, chap. 42, 3 Aug. 1861, and that repealed by chap. 200, sec. 10 17 July, 1862.

enlistment, when each shall receive the $24 retained pay which shall have so accrued: *Provided*, He shall have served honestly and faithfully that portion of the term of his first enlistment.

SEC. 3.[1] That every able-bodied musician or private soldier who may re-enlist into his company or regiment within two months before, or one month after, the expiration of his term of service, shall receive two months' extra pay, besides the pay and other allowances which may be due to him on account of the unexpired period of any enlistment.

SEC. 4. That every able-bodied musician or soldier who shall re-enlist into his company or regiment, as specified in the third section of this act, shall receive his full pay, at the rate of $6 per month, without any temporary deduction therefrom.

SEC. 5. That no premium to officers for enlisting recruits, nor bounties to recruits for enlisting, shall be allowed after the passage of this act.[2]

SEC. 6. That no person who has been convicted of any criminal offence shall be enlisted into the army of the United States.

SEC. 7. That the seventh section of the act entitled "An act making further provision for the army of the United States," passed on the 16th May, 1812, be, and the same is hereby, repealed, so far as it applies to any enlisted soldier who shall be convicted by a general court-martial of the crime of desertion.[3]

[*Approved, March* 2, 1833.]

CHAPTER 76.—Approved, March 2, 1833.—Vol. 4, p. 652.

An Act for the more perfect defence of the frontiers.

1. Organization of regiment of dragoons. 2. Pay when mounted. Pay when on foot. 3. To serve on horse or foot, and subject to rules and articles of war, &c.

That, in lieu of the battalion of mounted rangers authorized by the act of the fifteenth of June, one thousand eight hundred and thirty-two,[4] there be established a regiment of dragoons,[5] to be composed and organized as follows, to wit: one colonel, one lieutenant-colonel, one major, one quartermaster-sergeant, and two chief buglers, one adjutant, who shall be a lieutenant, one sergeant-major, one chief musician, and ten companies; each company to consist of one captain, one first lieutenant, and one second lieutenant, exclusive of the lieutenant who is to

[1] Sections 3 and 4 appear to be supplied by 5 July, 1838, chap. 162, sec. 29. Extra pay for re-enlistment abolished by sec. 9, chap. 42, 3 Aug. 1861.

[2] See chap. 10, sec. 3, 10 Dec. 1814, for bounty to recruits, &c.; but see acts of July, 1862.

[3] Flogging wholly abolished by sec. 3, chap. 54, 5 Aug. 1861.

[4] Chap. 131.

[5] By sec. 12, chap. 42, 3 Aug. 1861, dragoons, &c. are to be denominated cavalry.

be the adjutant of the regiment; four sergeants, one of whom shall act as quartermaster-sergeant to the company, *four corporals, two buglers, one farrier and blacksmith, and sixty privates.*[1]

SEC. 2. That the officers, non-commissioned officers, musicians, and privates, when mounted, be entitled to the same pay and emoluments as was allowed to dragoons during the war, and when on foot, the same pay and emoluments as are now allowed to the officers, non-commissioned officers, musicians, and privates of a regiment of infantry; and that the farrier and blacksmith be allowed the same pay and allowances as are allowed to an artificer of artillery.

SEC. 3. That the said regiment of dragoons shall be liable to serve on horse or foot, as the President may direct; shall be subject to the rules and articles of war, be recruited in the same manner, and with the same limitations; that the officers, non-commissioned officers, musicians, farriers, and privates, shall be entitled to the same provisions for wounds and disabilities, the same provisions for widows and children, and the same allowances and benefits in every respect, as are allowed the other troops constituting the present military peace establishment.

SEC. 4. That the President of the United States be authorized to carry into effect this act as soon as he may deem it expedient, and to discharge the present battalion of mounted rangers on their being relieved by the said regiment of dragoons.

SEC. 5. That the sum required to carry into effect the provisions of this act is hereby appropriated, in addition to the appropriations for the military establishment for the year 1833.

[*Approved, March* 2, 1833.]

RESOLUTION 2.—Approved, March 2, 1833.—Vol. 4, p. 668.

Resolution in relation to the execution of the Act supplementary to the Act for the relief of certain surviving officers and soldiers of the revolution.

That, in the execution of the act supplementary to the act[2] for the relief of certain surviving officers and soldiers of the revolution, approved June 7, 1832, whenever it shall be made

[1] Companies reorganized by act 23 August, 1842, chap. 186, sec. 1, authorized by chap. 131, 15 June, 1832.

[2] Chap. 126.

to appear that any applicant for a pension, under said act, entered the army of the revolution in pursuance of a contract with the government made previous to the 11th day of April, 1783, and continued in service until after that period, it shall be the duty of the secretary of war[1] to compute the period of such applicant's service from the time he then entered the army, and until the date of the definitive treaty of peace, and to allow him a pension accordingly.

[*Approved, March* 2, 1832.]

CHAPTER 133.—Approved, June 30, 1834.—Vol. 4, p. 714.

An Act to increase and regulate the pay of the surgeons and assistant surgeons of the army.[2]

1. Appointment of surgeons and assistants. 2. Pay and emoluments. 3. Increase of rations after ten years' service.

That, from and after the passing of this act, no person shall receive the appointment of assistant surgeon in the army of the United States, unless he shall have been examined and approved by an army medical board, to consist of not less than three surgeons or assistant surgeons, who shall be designated for that purpose by the Secretary of War; and no person shall receive the appointment of surgeon in the army of the United States, unless he shall have served at least five years as an assistant surgeon, and unless, also, he shall have been examined by an army medical board constituted as aforesaid.

SEC. 2. That the surgeons in the army of the United States shall be entitled to receive the pay and emoluments of a major; and the assistant surgeons, who shall have served five years, shall be entitled to receive the pay and emoluments of a captain; and those who shall have served less than five years, the pay and emoluments of a first lieutenant; and that said assistant surgeons shall be entitled to receive the same allowance for forage as they are at present entitled to.

SEC. 3. That every surgeon and assistant surgeon, who shall have served faithfully ten years in these grades, respectively,

[1] Sec. of the interior now.

[2] For present organization of medical department, see 16 April, 1862, chap. 55.

shall be entitled to receive an increase of rations, per day, equal to the number of rations to which he may be entitled under this act.

[*Approved, June* 30, 1834.]

CHAPTER 161.—Approved, June 30, 1834.—Vol. 4, p. 729.

An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

20. Penalty for disposing of spirituous liquors to Indians. Search may be made for such spirituous liquors, &c. Penalty for setting up a distillery.

[EXTRACT.]

SEC. 20.[1] That if any person[2] shall sell, exchange, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, (in the Indian[3] country,) such person shall forfeit and pay the sum of $500; and if any person shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the war department, such person shall forfeit and pay[4] a sum not exceeding $300; and if any superintendent of Indian affairs, Indian agent or sub-agent, or commanding officer of a military post, has reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, Indian agent[1] or sub-agent, or military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages, and places of deposit of such person to be searched, and if any such spirituous liquor or wine is found, the goods, boats, packages, and peltries of such person shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one half to the use of the informer, and the other half to the use of the United States; and if such person is a trader, his license shall be revoked and his bond put in suit. And it shall moreover be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, excepting military supplies as mentioned in this section.

SEC. 21. That if any person whatever shall, within the limits of the Indian country, set up or continue any distillery for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars; and it shall be the duty of the superintendent of Indian affairs, Indian agent or sub-agent, within

[1] This section substituted by chap. 24, 13 February, 1862, *post.*

[2] Except Indians who have been punished by the law of the tribe. See 27 March, 1854, chap. 26, sec. 3.

[3] Unless the exclusive jurisdiction thereof has been secured to the tribe by treaty, 27 March, 1854, chap. 26, sec. 3.

[4] And be imprisoned one or two years, by act 3 March, 1847, chap. 65, sec. 2.

the limits of whose agency the same shall be set up or continued, forthwith to destroy and break up the same; and it shall be lawful to employ the military force of the United States in executing that duty.

[*Approved, June* 30, 1834.]

Chapter 162.—Approved, June 30, 1834.—Vol. 4, p. 735.

An Act to provide for the organization of the Department on Indian Affairs.

Sec. 4. * * * * * It shall be competent for the President to require any military officer of the United States to execute the duties of Indian agent.

Chapter 49.—Approved, March 3, 1835.—Vol. 4, p. 780.

An Act to render permanent the present mode of supplying the army of the United States, and fixing the salary of certain clerks therein named.

That the seventh, eighth, ninth, and tenth sections of the act entitled "An act regulating the staff of the army," passed April fourteenth, eighteen hundred and eighteen,[1] be, and the same are hereby, continued in force until repealed by Congress.

Resolution 2.—Approved, February 13, 1835.—Vol. 4, p. 792.

Resolution presenting a gold medal to George Croghan, and a sword to each of the officers under his command, for their gallantry and good conduct in the defence of Fort Stephenson, in eighteen hundred and thirteen.

That the President of the United States be requested to cause a gold medal to be struck, with suitable emblems and devices, and presented to Colonel Croghan, in testimony of the high sense entertained by Congress of his gallantry and good conduct in the defence of Fort Stephenson, and that he present a sword to each of the following officers engaged in that affair: to Captain James Hunter, to the eldest male representative of Lieutenant Benjamin Johnston, and to Lieutenants Cyrus A. Baylor, John Meek, Ensign Joseph Duncan, and the nearest male representative of Ensign Edmund Shipp, deceased.

[1] Chap. 61; and see chap. 42, 2 March, 1829, sec. 1.

CHAPTER 44.—Approved, March 19, 1836.—Vol 5, p. 7.

An Act[1] *to provide for the payment of volunteers and militia corps in the service of the United States.*

That the officers, non-commissioned officers, musicians, artificers, and privates of volunteer and militia corps, who have been in the service of the United States, at any time since the 1st day of November, in the year of our Lord 1835, or may hereafter be in the service[2] of the United States, shall be entitled to and receive the same monthly pay, rations, clothing, or money in lieu thereof, and forage, and be furnished with the same camp-equipage, including knapsacks, as are or may be provided by law for the officers, musicians, artificers, and privates of the infantry of the army of the United States.[3]

SEC. 2. That the officers of all mounted companies who have been in, or may hereafter be in, the service of the United States, shall each be entitled to receive forage, or money in lieu thereof, for two horses, when they actually keep private servants, and for one horse when without private servants, and that forty cents per day be allowed for the use and risk of each horse, except horses killed in battle or dying of wounds received in battle. That each non-commissioned officer, musician, artificer, and private, of all mounted companies, shall be entitled to receive forage in kind for one horse, with forty cents per day for the use and risk thereof, except horses killed in battle or dying of wounds received in battle, and twenty-five cents per day in lieu of forage and subsistence, when the same shall be furnished by himself, or twelve and a half cents per day for either, as the case may be.

SEC. 3. That the officers, non-commissioned officers, musicians, artificers, and privates shall be entitled to one day's pay, subsistence, and other allowances, for every twenty miles' travel from their places of residence to the place of general rendezvous, and from the place of discharge back to their residence.

SEC. 4. That the volunteers or militia who have been or who may be received into the service of the United States to suppress Indian depredations in Florida, shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States.

SEC. 5. That when any officer, non-commissioned officer, artificer, or private, of said militia or volunteer corps, who shall die in the service of the United States, or returning to his place of residence after being mustered out of service, or at any time in consequence of wounds received in service, and shall leave a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; and in case of the death or intermarriage of such widow before the expiration of five years, the half pay for the remainder of the time shall go to the child or children of said decedent: *Provided, always,* That the secretary of war shall adopt such forms of evidence, in applications under this act, as the President of the United States may prescribe.

SEC. 6. That the volunteers and militia mentioned in the foregoing provisions of this act, called into service before its passage, and who are

[1] This act supplies the 2 January, 1795, chap. 9,
[2] See for expenses of, when marching to rendezvous, the 20 April, 1818, chap. 84.
[3] See 2 March, 1833, chap. 68.

directed to be paid, shall embrace those only ordered into service by the commanding general or governors of states and of the territory of Florida, under authority from the war department, for repressing the hostilities of the Florida Indians.[1]

[*Approved, March* 19, 1836.]

CHAPTER 59.—Approved, May 9, 1836.—Vol. 5, p. 17.

An Act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-six.

SEC. 2. That it shall be the duty of the secretaries of state, of the treasury, of the war and navy departments, and of the postmaster-general, and the secretary of the senate, and clerk of the house of representatives, to lay before Congress, in lieu of the statement now required by law, during the first week in each annual session of Congress, a statement of the expenditures made by them respectively from the contingent funds of their respective departments and offices; that of the secretary of state to include all the contingent expenses of foreign intercourse, and of all the missions abroad, except such expenditures as are settled upon the certificate of the President; said statements to be abstracts of the accounts, with the names of all persons to whom payments have been made, and the amount paid to each.

CHAPTER 60.—Approved, May 9, 1836.—Vol. 5, p. 26.

An Act providing for the salaries of certain officers therein named, and for other purposes.

That the authority[2] claimed under the acts approved March twenty-eighth, eighteen hundred and twelve,[3] and May twenty-second, eighteen hundred and twelve,[4] or by any other act, for the employment of non-commissioned officers or the appointment of extra clerks in any of the offices of the war department, be, and the same are hereby, repealed: *Provided, however,* That where express appropriations are made by law for the employment of clerks, such employment shall not be deemed to be extra within the meaning of the above act.

[1] The sixth section of the act limits it to Florida troops.
[2] There do not appear to be any such provisions.
[3] Chap. 4. [4] Chap. 92.

CHAPTER 77.—Approved, May 20, 1836.—Vol. 5, p. 31.

An Act explanatory of the Act entitled "An Act to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes."

That the act entitled "An act[1] to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes," approved the twenty-fifth of January, eighteen hundred and twenty-eight, shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

CHAPTER 80.—Approved, May 23, 1836.—Vol. 5, p. 32.

An Act authorizing the President of the United States to accept the service of volunteers, and to raise an additional regiment of dragoons or mounted riflemen.

That the President of the United States be, and he hereby is, authorized to accept volunteers who may offer their services either as infantry or cavalry, not exceeding ten thousand men, to serve six or twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged; and the said volunteers shall furnish their own clothes, and, if cavalry, their own horses, and when mustered into service shall be armed and equipped at the expense of the United States.

SEC. 2. That the said volunteers shall be liable to be called upon to do military duty only in cases of Indian hostilities, or to repel invasions, whenever the President shall judge proper, and when called into actual service, and while remaining therein, shall be subject to the rules and articles of war, and shall be in all respects, except as to clothing, placed on the same footing with similar corps of the United States army; and in lieu of clothing, every non-commissioned officer and private, in any company, who may thus offer themselves, shall be entitled, when called into actual service, to receive in money a sum equal to the cost of the clothing of a non-commissioned officer or private (as the case may be) in the regular troops of the United States.

SEC. 3. That the said volunteers, so offering their services, shall be accepted by the President in companies, battalions, squadrons, regiments, brigades, or divisions, whose officers shall be appointed in the manner prescribed by law in the several states and territories to which such companies, battalions, squadrons, regiments, brigades, or divisions shall respectively belong: *Provided*, That where any company, battalion, squadron, regiment, brigade, or division, of militia, already organized, shall tender their voluntary service to the United States, such company, battalion, squadron, regiment, brigade, or division shall continue to be commanded by the officers holding commissions in the same at the time of such tender; and any vacancy thereafter occurring shall be filled in the mode pointed out by law in the state or territory wherein the said company, battalion, squadron, regiment, brigade, or division shall have been originally raised.

[1] Chap. 2, *ante*.

SEC. 4. That the President of the United States be, and he is hereby, authorized to organize companies so tendering their services, into battalions or squadrons, battalions or squadrons into regiments, regiments into brigades, and brigades into divisions, as soon as the number of volunteers shall render such organization in his judgment expedient; and the President shall, if necessary, apportion the staff, field, and general officers among the respective states or territories from which the volunteers shall tender their services, as he may deem proper; but, until called into actual service, such companies, battalions, squadrons, regiments, brigades, or divisions shall not be considered as exempt from the performance of militia duty as required by law, in like manner as before the passage of this act.

SEC. 5. That the volunteers who may be received into the service of the United States, by virtue of the provisions of this act, shall be entitled to all the benefits which may be conferred on persons wounded in the service of the United States.

SEC. 6. That there shall be raised and organized, under the direction of the President of the United States, one additional regiment of dragoons or mounted riflemen, to be composed of the same number and rank of the officers, non-commissioned officers, musicians, and privates composing the regiment of dragoons now in the service of the United States, who shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term and upon the same conditions, in all respects whatever, as are stipulated for the said regiment of dragoons now in service.[1]

SEC. 7. That the President of the United States may disband the said regiment whenever, in his opinion, the public interest no longer requires their services; and that the sum of $300,000, required to carry into effect the provisions of this act, is hereby appropriated out of any money in the treasury not otherwise appropriated.

SEC. 8. That so much of this act as relates to volunteers shall be in force for two years from and after the passage of this act, and no longer.

[*Approved, May* 23, 1836.]

CHAPTER 356.—Approved, July 4, 1836.—Vol. 5, p. 117.

An Act authorizing the appointment of additional paymasters, and for other purposes.

5. In absence of the quartermaster-general, &c., the President may empower others to perform the duties. Proviso: no additional compensation allowed therefor.

That the President of the United States be, and he hereby is, authorized and empowered to appoint three additional paymasters, to be attached to the pay department of the army: *Provided*, That the appointments be submitted to the senate for their confirmation, in the same manner as other officers of the army.

SEC. 2. That the officers appointed in virtue of this act shall perform the same duties and receive the same pay and allowances as the present paymasters of the army, and shall, in like manner, be subject to the rules and articles of war, and previous to entering upon the duties of their office

[1] Dragoons and mounted riflemen are, by act of 3 Aug. 1861, to be denominated cavalry.

shall give such bonds to the United States as the secretary of war may direct, for the faithful performance of their duties.

SEC. 3.[1] [That when volunteers or militia are called into service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the troops with proper punctuality, it shall be lawful for the President to assign to any officer of the army the duty of paymaster, who, while so assigned, shall perform the same duty, give the same bond, be subject to the same liability, and receive the same emoluments as are now provided for paymasters of the army: *Provided, however,* That the number of officers so assigned shall not exceed one for every two regiments of militia or volunteers:] *And provided, also,* That the whole emoluments of the said officers, including their pay and allowances in the line, shall not exceed the pay and emoluments of a paymaster.[2]

SEC. 4. That the President of the United States be, and he hereby is, authorized and empowered to appoint three additional surgeons and five assistant surgeons,[3] to be attached to the medical staff of the army.

SEC. 5. That during the absence of the quartermaster-general, or the chief of any other military bureau of the war department, the President be authorized to empower some officer of the department or corps whose chief is absent to take charge thereof, and to perform the duties of quartermaster-general or chief of the department or corps, as the case may be, during such absence: *Provided,* That no additional compensation be allowed therefor.

[*Approved, July* 4, 1836.]

CHAPTER 362.—Approved, July 4, 1836.—Vol. 5, p. 127.

An Act granting half pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes.

1. Five years' half pay to widows or orphans of militia who have died, &c. in service since 20 April, 1818. Half pay of infantry. Not over a lieutenant-colonel. 2. Act of 7 June, 1832, chap. 126, extended to widows or children. 3. And to widows, under the 7 June, 1832, chap. 126. 4. Transfers void. Oath of agent. 5. Forms by secretary of war.

That when any officer, non-commissioned officer, musician, or[4] private of the militia, including rangers, sea-fencibles, and

[1] All within brackets repeated, in sec. 25, chap. 162, 5 July, 1838.

[2] See 12 April, 1808, chap. 43; and chap. 162, sec. 25, 5 July, 1838.

[3] See sec. 33, chap. 162, 5 July, 1838; and note to chap. 42, 3 Aug. 1861; and chap. 51, 16 April, 1862; and chap. 128, July, 1862.

[4] Extended to widows and orphans of soldiers on or since the 1 March, 1846, or during the war with Mexico, by the 21 July, 1848, chap. 108, sec. 1, and to those

volunteers, shall have died while in the service of the United States, since the twentieth of April, eighteen hundred and eighteen, or who shall have died in consequence of a wound received whilst in the service, since the day aforesaid,[1] and shall have left a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death or receiving such wound, for and during the term of five[2] years; and in case of the death or marriage of such widow before the expiration of said five years, the half pay for the remainder of the time shall go to the said decedent: *Provided*, That the half pay aforesaid shall be half the monthly pay of the officers, non-commissioned officers, musicians, and privates of the infantry of the regular army, and no more: *Provided, also*, That no greater sum shall be allowed to the widow or to the child or children of any officer than the half pay of a lieutenant-colonel.

SEC. 2. That if any officer, non-commissioned officer, musician, soldier, Indian spy, mariner, or marine, whose service during the revolutionary war was such as is specified in the act passed the seventh day of June, eighteen hundred and thirty-two,[3] entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," have died since the fourth day of March, eighteen hundred and thirty-one, and before the date of said act, the amount of pension which would have accrued from the fourth day of March, eighteen hundred and thirty-one, to the time of his death, and become payable to him by virtue of that act, if he had survived the passage thereof, shall be paid to his widow; and if he left no widow, to his children, in the manner prescribed in the act hereby amended.

SEC. 3. That if any person who served in the war of the revolution, in the manner specified in the act passed the seventh day of June, eighteen hundred and thirty-two,[4] entitled "An act supplementary to the act for the relief of certain surviving

who died of wounds since 1 April, 1846, or in the war with Mexico, sec. 2 same act; or who have remained in the service until their death, or have died since their return home, 22 Feb. 1849, chap. 62. And see the 3 Feb. 1852, chap. 41, for further extensions and provisions; and see chap. 166, July, 1862.

[1] And since the passage of this act, by res. No. 7, 7 July, 1838.

[2] Five years more, by the 3 Feb. 1853, sec. 1, chap. 41; and see general act of 1859.

[3] Chap. 126.

[4] Chap. 126.

officers and soldiers of the revolution," have died, leaving a widow whose marriage took place before[1] the expiration of the last period of his service, such widow shall be entitled to receive, during the time she may remain unmarried,[2] the annuity or pension which might have been allowed to her husband, by virtue of the act aforesaid, if living at the time it was passed.

SEC. 4. That any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any money or half pay granted by this act, shall be utterly void and of no effect; each person acting for and in behalf of any one entitled to money under this act shall take and subscribe an oath, to be administered by the proper accounting officer and retained by him and put on file, before a warrant shall be delivered to him, that he has no interest in said money by any pledge, mortgage, sale, assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person whatever.

SEC. 5. That the secretary of war[3] shall adopt such forms of evidence, in applications under this act, as the President of the United States shall prescribe.

[*Approved, July* 4, 1836.]

CHAPTER 42.—Approved, March 3, 1837.—Vol. 5, p. 187.

An Act explanatory of the Act entitled "An Act granting half pay to widows and orphans where their husbands and fathers have died of wounds received in the military service of the United States, and for other purposes."

1. The act of 1836, chap. 362, not to be withheld from widows having married, &c. If a widow at that time. 2. Widows of those in service to 3 Nov. 1783, and before, entitled.

That the benefits of the third section of the act entitled "An act[4] granting half pay to widows and orphans where their husbands and fathers have died of wounds received in the military service of the United States, and for other purposes," approved the fourth day of July, eighteen hundred and thirty-six, shall not be withheld from any widow in consequence of

[1] Or since, by the 7 July, 1838, res. No. 7. And of those in service till 3 Nov. 1793, by the 3 March, 1837, chap. 42.

[2] Pension not to be withheld on account of subsequent marriage; 3 March, 1837, chap. 42, and the 23 August, 1842, chap. 191.

[3] Interior.

[4] Chap. 362.

her having married after the decease of the husband for whose services she may claim to be allowed a pension or annuity under said act: *Provided*, That she was a widow at the time it was passed.

SEC. 2. That the widow of any person who continued in the service of the United States until the third day of November, seventeen hundred and eighty-three, and was married before that day, and while her husband was in such service, shall be entitled to the benefits of the third section of the aforesaid act.

[*Approved, March* 3, 1837.]

CHAPTER 162.—Approved, July 5, 1838.—Vol. 5, p. 256.

An Act to increase the present military establishment of the United States, and for other purposes.

1. One company to each regiment of artillery, &c. Companies of. A regiment of infantry. 2. The President to increase corps of engineers. Pay of. 3. The 29 of April, 1812, in part repealed. Paymaster to pay department, &c. 4. Increase of topographical engineers. 5. Vacancies, how filled. Pay and emoluments. 6. Employment of civil engineers, repealed. 7. As many assistant adjutant-generals as necessary, to act as inspectors. 8. Pay of officers taken from the line to staff. Rank and promotion. 9. Increase of quartermaster's department. Rank. Pay and emoluments. To relinquish rank, &c. 10. Quartermaster-general to employ forage and wagon masters. 12. Pay of stewards of hospitals. 13. Increase of the ordnance department. Pay and emoluments of. 14. Construction of 4th sec., act 5 April, 1832. Extra pay. If commanding a company. 15. Additional ration for every five years' service. 16. Duration of enlistments. Pay of non-commissioned officers and soldiers. Pay retained. 17. Sugar and coffee in lieu of spirits. 18. Of persons to act as chaplains. Pay, &c. 19. Professor of chemistry, &c. Assistant to. 20. Citizens, paymaster's clerks. 22. Regiments of riflemen and light infantry. 23. Acts inconsistent repealed. 24. Pay of the pay and medical departments. 25. Additional paymasters when militia in service. Their duties, &c. One for two regiments; retained only while paying. 26. Pay of ordnance storekeepers acting as paymasters. 27. Engineers, when to disburse. Compensation for. Proviso: the whole amount of emoluments shall not exceed 1 per cent. on the sum disbursed. 28. Time of cadets extended. 29. Re-enlistment, extra pay for, in lieu of bounty. And 160 acres for ten years' service. 30. The 16 March, 1802, and 12 April, 1808, fixing the height of men, repealed. 31. No separation from regiments for civil works, &c. 33. Seven surgeons more. Pay, &c.

That there shall be added to each of the four regiments[1]

[1] But see the 23 Aug. 1842, chap. 186, sec. 1, fixing the number of non-commissioned officers and men of artillery and infantry companies; and chap. 24, 29 July, 1861, adding new regiments to the army, with their new organization.

of artillery, one company, to be organized in the same manner as authorized by existing[1] laws, with the exceptions hereafter mentioned; *that there be added to every company of artillery sixteen privates, and to every company of infantry one sergeant and thirty-eight privates*, and that the number of second lieutenants of a company of artillery be reduced to one, and that this reduction be so made in connection with the appointment of officers to the four additional companies authorized as aforesaid, and the transfer to the ordnance department hereafter directed, that all the present second lieutenants shall be retained in service; and there shall be raised and organized, under the direction of the President of the United States, one regiment of infantry, to be composed of the same number and rank of officers, non-commissioned officers, musicians, and privates, composing the regiments of infantry now in the service[2] of the United States, who shall receive the same pay and allowances and be subject to the same rules and regulations which now apply to other regiments of infantry, as provided for in this act.

SEC. 2. That the President of the United States be, and he is hereby, authorized to add to the corps[3] of engineers, whenever he may deem it expedient to increase the same, one lieutenant-colonel, two majors, six captains, six first and six second lieutenants; and that the pay and emoluments of the said corps shall be the same as those allowed[4] to the officers of the regiment of dragoons.

SEC. 3. That so much of the act[5] passed the twenty-ninth day of April, one thousand eight hundred and twelve, entitled "An act making further provision for the corps of engineers," as provides that one paymaster shall be taken from the subalterns of the corps of engineers, be, and the same is hereby, repealed; and that the paymaster so authorized and provided be attached to the pay department, and be in every respect placed on the footing of other paymasters of the army.

SEC. 4. That the corps of topographical engineers shall be

[1] Organized by the 16 March, 1802, chap. 9, sec. 26, and increased, &c., by the 29 April, 1812, chap. 72.

[2] Organized by the 2 March, 1821, chap. 13, sec. 2.

[3] Ibid., and by chap. 57, 6 Aug. 1861, two lieutenant-colonels and four majors added; and by chap. 42, sec. 3, Aug. 1862, three first and three second lieutenants, and three companies of soldiers.

[4] By the 12 April, 1808, chap. 43, sec. 4,

[5] Chap. 72, sec. 1.

organized and increased by regular promotions in the same, so that the said corps shall consist of one colonel, one lieutenant-colonel, four majors, ten captains, ten first lieutenants, and ten second lieutenants.[1]

SEC. 5. That vacancies created by said organization, over and above those which can be filled by the present corps, shall be taken from the army, and from such as it may be deemed advisable of the civil engineers employed under the act of the thirtieth of April, eighteen hundred and twenty-four;[2] that the pay and emoluments to the officers of said corps shall be the same as are allowed[3] to officers of similar rank in the regiments of dragoons.

SEC. 6. That the authority to employ civil engineers, in the act[4] of the 30th of April, 1824, be and the same is hereby repealed after the passage of this act.

SEC. 7. That the President of the United States shall be, and he is hereby, authorized to appoint so many assistant adjutants-general, not exceeding[5] two, with the brevet rank, pay, and emoluments of a major, and not exceeding four, with the brevet rank, pay, and emoluments of a captain[6] of cavalry, as he may deem necessary; and that they shall be taken from the line of the army, and in addition to their own, perform the duties of assistant inspectors-general when the circumstances of the service may require.

SEC. 8. That the officers to be taken from the line and transferred to the staff, under the last preceding section, shall receive only the pay and emoluments attached to their rank in the staff; but their transfer shall be without prejudice to their rank and promotion in the line, according to their said rank and seniority; which promotion shall take place according to usage, in the same manner as if they had not been thus transferred.

SEC. 9. That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the

[1] Increased by two lieutenant-colonels and four majors by chap. 57, 6 Aug. 1861, which also adds a company of soldiers, and by chap. 42, three first and three second lieutenants.

[2] Chap. 46.

[3] By the 12 April, 1808, chap. 43, sec. 4.

[4] Chap. 46.

[5] Four more authorized by the 18 June, 1846, chap. 29, sec. 6, and three more by the 3 March, 1847, chap. 61, sec. 2; and see sec. 2, chap. 42, 3 Aug. 1861, for present organization of that department.

[6] See note 4, and see sec. 22, chap. 165, 17 July, 1862.

senate, to add to the quartermaster's department not exceeding two assistant quartermasters-general, with the rank of colonel, two deputy quartermasters-general, with the rank of lieutenant-colonel, and eight assistant quartermasters, with the rank of captain; that the assistant quartermasters now in service shall have the same rank as is provided by this act for those hereby authorized; and that the pay and emoluments of the officers of the quartermaster's department shall be the same as are allowed[1] to officers of similar rank in the regiment of dragoons: *Provided*, That all appointments in the quartermaster's departments shall be made from the army, and when officers taken for such appointments hold rank in the line, *they shall thereupon relinquish*[2] *said rank, and be separated from the line of the army;* and that promotion in said department shall take place as in regiments and corps.

SEC. 10.[3] That the quartermaster-general be, and he is hereby, authorized, from time to time, to employ as many forage-masters and wagon-masters as he may deem necessary for the service, not exceeding twenty in the whole, who shall be entitled to receive each forty dollars per month, and three rations per day, and forage for one horse; and neither of whom shall be interested or concerned, directly or indirectly, in any wagon or other means of transport employed by United States, nor in the purchase or sale of any property procured for or belonging to the United States, except as an agent for the United States.

SEC. 11. That there be added to the commissariat of subsistence one assistant commissary-general of subsistence,[4] with the rank, pay, and emoluments of a lieutenant-colonel of cavalry; one commissary of subsistence, with the rank, pay, and emoluments of a quartermaster of the army; and three commissaries of subsistence,[5] with the rank, pay, and emoluments of assistant quartermasters.

SEC. 12. That the stewards of hospitals at posts of more than four companies be hereafter allowed the pay, clothing, and rations of a sergeant of ordnance,[6] and, at all other posts, the

[1] See act 30 April, 1824, chap. 46; and for additions to the department, see sec. 3, chap. 43, 3 Aug. 1861.

[2] The clause (sec. 9) in italics as to rank is repealed by the 7 July, 1838, chap. 194.

[3] This section (10) supplies the 12th, 13th, 14th, 15th, and 16th sections of the 28 Mar. 1812, chap. 46, *ante*.

[4] For additions to this department, see sec. 2, chap. 42, 3 Aug. 1861.

[5] Not to be separated from the line of the army, by the 7 July, 1838, chap. 194.

[6] $22 per month; $30 per month by chap. 55, 16 April, 1862.

pay, clothing, and rations of the first sergeant of a company of infantry.[1]

SEC. 13. That the President of the United States be, and he is hereby, authorized to add[2] to the ordnance department,[3] whenever he may deem it expedient to increase the same, by and with the advice of the senate, two majors, and that he be further authorized to transfer ten first lieutenants and ten[4] second lieutenants from the artillery to the ordnance department, and that the pay and emoluments of the officers of the said department shall be the same as those allowed to the officers of the regiment of dragoons.[5]

SEC. 14. That so much of the fourth section of the act[6] passed fifth of April, eighteen hundred and thirty-two, for the organization of the ordnance department, as authorizes the officers of ordnance to receive the same pay and emoluments now allowed artillery officers, shall be construed to include the ten dollars per month additional pay to every officer in the actual command of a company, as compensation for the duties and responsibilities with respect to clothing, arms, and accoutrements of the company, under the authority of the second section of the act[7] passed second of March, eighteen hundred and twenty-seven, giving further compensation to the captains and subalterns of the army of the United States in certain cases: *Provided*, That the officers of the ordnance department claiming the compensation for such duties and responsibilities shall have been actually in the command of enlisted men of the ordnance equal to a company of artillery, and thereby incurred the aforesaid responsibilities.

SEC. 15. That every commissioned officer of the line or staff, exclusive[8] of general officers, shall be entitled[9] to receive one additional ration per diem for every five years he may have

[1] $20 per month.
[2] Increase of, by the 3 March, 1847, chap. 61, sec. 16.
[3] Organization of, 5 April, 1832, chap. 67. For additions to this department, see sec. 3, chap. 42, 3 Aug. 1861,
[4] "Twelve" by the 7 July, 1838, chap. 194; but see now the 3 March, 1847, chap. 61, sec. 16, increasing the corps.
[5] See note 1 to sec. 5; formerly paid as the artillery, by the 8 Feb. 1815, chap. 38, sec. 11.
[6] Chap. 67. [7] Chap. 42.
[8] Paymaster and surgeon general to receive the additional rations, by 7 July, 1838, chap. 194.
[9] But no back rations, by the 7 July, 1838, chap. 194.

served or shall serve in the army of the United States: *Provided*, That in certain cases where officers are entitled to and receive double rations, the additional one allowed in this section shall not be included in the number to be doubled.

SEC. 16. That from and after the passing of this act, all enlistments in the army of the United States shall be for five years, and that the monthly pay of non-commissioned officers and soldiers shall be as follows: to each sergeant-major, quartermaster-sergeant, and chief musician, *seventeen* dollars; to each first sergeant of a company, *sixteen* dollars; to all other sergeants, *thirteen* dollars; to each artificer, *eleven* dollars; to each corporal, *nine* dollars; and to each musician and private soldier, *eight* dollars:[1] *Provided*, That *two*[2] dollars per month of said pay be retained until the expiration of his term of service.

SEC. 17. That the allowance of sugar and[3] coffee to the non-commissioned officers, musicians, and privates, in lieu of the spirit or whiskey component part of the army ration, now directed by regulation, shall be fixed at six pounds of coffee and twelve pounds of sugar[4] to every one hundred rations, to be issued weekly when it can be done with convenience to the public service, and, when not so issued, to be paid in money.

SEC. 18. That it shall be lawful for the officers composing the council of administration at any[5] post, from time to time, to employ such person as they may think proper to officiate as chaplain, who shall also perform the duties of schoolmaster at such post; and the person so employed shall, on the certificate of the commanding officer of the post, be paid such sum for his services, *not exceeding forty dollars per month*,[6] as may be determined by the said council of administration, with the approval of the secretary of war; and, in addition to his pay, the

[1] "Seven," by the 7 July, 1838, chap. 194. By chap. 61, 4 Aug. 1854, $4 per month added to soldier's pay; and by sec. 1, chap. 63, 6 Aug. 1861, the pay of privates is made $13 per month.

[2] "One," by the same act, sec. 2; and see chap. 68, 2 March, 1833; it is $2 again by sec. 10, chap. 38, 3 Aug. 1861, but again repealed by act July, 1862.

[3] Malt liquor and low wines, by the 26 May, 1804, chap. 39, sec. 2.

[4] Increased by sec. 4 of chap. 163, 21 June, 1860, to 10 pounds coffee and 15 sugar; and see sec. 13, chap. 42, 3 Aug. 1861; and sec. 10, chap. 133, July, 1862.

[5] Only for twenty posts approved by the Secretary at War, by the 7 July, 1838, chap. 198, and now ten additional, by the 2 March, 1849, chap. 83, sec. 3.

[6] Chaplains may receive $20 per month more upon the recommendation of the council of administration, by sec. 2, chap. 55, 21 Feb. 1857; but the pay of all army chaplains is fixed by sec. 9, chap. 200, 17 July, 1862.

said chaplain shall be allowed four rations per diem, with quarters and fuel.

SEC. 19. That an additional[1] professor be appointed to instruct in the studies of chemistry, mineralogy, and geology, with the pay and emoluments now allowed to the professor of mathematics; and that the secretary of war may assign to the said professor an assistant, to be taken from the officers of the line or cadets; which assistant professor will receive the pay and emoluments[2] allowed to other assistant professors.

SEC. 20. That whenever suitable non-commissioned officers or privates cannot be procured from the line of the army to serve as paymasters' clerks, paymasters be and hereby are authorized and empowered, by and with the approbation of the secretary of war, to employ citizens to perform that duty, at salaries not to exceed five[3] hundred dollars per annum, each.

SEC. 21. That all letters and packages on public business, to and from the commanding general, the colonel of ordnance, the surgeon-general, and the head of the topographical corps, shall be free from postage.[4]

SEC. 22. That the President shall be, and he is hereby, authorized, whenever he may deem the same expedient, to cause not exceeding two of the regiments of infantry to be armed and equipped and to serve as regiments of riflemen, and one other of the regiments of infantry to be armed and equipped and to serve as a regiment of light infantry.

SEC. 23. That all acts and parts of acts inconsistent with the provisions of this act shall be, and the same are hereby, repealed.

SEC. 24. That hereafter the officers of the pay and medical departments of the army shall receive the pay and emoluments of officers of cavalry of the same grades[5] respectively according to which they are now paid by existing laws.

SEC. 25. [That when volunteers or militia are called into the service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the

[1] See the 29 April, 1812, chap. 72, for professors and assistants, and pay of.

[2] See the act quoted in preceding note.

[3] Made $700 per annum by chap. 168, sec. 2, 12 Aug. 1848, and one ration per day by chap. 110, sec. 5, 31 Aug. 1852.

[4] See note to chap. 137, 6 July, 1812, *ante*.

[5] See, for modification of this provision, the 3 March, 1845, chap. 65, sec. 1, if it modifies any thing.

troops with proper punctuality, it shall be lawful for the President to appoint[1] as many additional paymasters as he shall deem necessary, who shall perform the same duty, give the same bond, be subject to the same liability, and receive the same pay and emoluments, as are now provided for paymasters of the army: *Provided, however,* That the number so appointed shall not exceed one for every two regiments of militia or volunteers:][2] *And provided, also,* That the persons so appointed shall continue in service only so long as their services are required to pay militia and volunteers.

SEC. 26. That the compensation hereafter to be allowed to such ordnance storekeepers as shall be designated as paymasters shall not exceed the pay and emoluments of a captain of ordnance.

SEC. 27. That it shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; and, as a *compensation*[3] *therefor, may be allowed by the secretary of war at the rate of two dollars per diem, during the continuance of such disbursements: Provided, That the whole amount of emoluments shall not exceed one per cent. on the sum disbursed.*

SEC. 28. That the term for which cadets hereafter admitted into the Military Academy at West Point shall engage to serve, be, and the same is hereby, increased to *eight*[4] years, unless sooner discharged.

SEC. 29. *That, in lieu of the bounty now*[5] *provided by law for re-enlistment, every able-bodied non-commissioned*[6] *officer, musician, or private soldier, who may re-enlist into his company or regiment within two months before or one month after the expiration of his term of service, shall receive three months' extra pay;*[7] and also any non-commissioned officer or soldier who shall serve ten consecutive years, and shall obtain from the commanding officer of his com-

[1] By and with the advice and consent of the senate, by sec. 14, chap. 61, 3 March, 1847.
[2] All within brackets in this section is a repetition of so much of sec. 3, chap. 356, 4 July, 1836.
[3] This compensation abolished, by the 7 July, 1838, chap. 194.
[4] Five years, by the 29 April, 1812, chap. 72, sec. 3.
[5] By the 2 March, 1833, chap. 68, sec. 4 and 5.
[6] Extended to non-commissioned officers of marines by 10 August, 1848, res. 24.
[7] All in italics abolished by sec. 9, chap. 42, 3 August, 1861.

pany, battalion, or regiment, a certificate[1] that he had faithfully performed his duty whilst in service, shall be allowed one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense, in such manner and upon such conditions as may be provided by law, which land shall be patented to the soldier or his heirs, and be not assignable until patented.]

SEC. 30. That so much of the eleventh section of the act[2] of the 16th March, 1802, and so much of the fifth section of the act[3] of the 12th of April, 1808, as fix the height of enlisted men at five feet six inches, be, and the same are hereby, repealed.

SEC. 31. That the officers of the army shall not be separated from their regiments and corps for employment on civil works of internal improvement, or be allowed to engage in the service of incorporated companies; and no officer of the line of the army shall hereafter be employed as acting paymaster, or disbursing agent for the Indian department, if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper.

SEC. 32. That the superintendents of the armories at Springfield and Harper's Ferry[4] shall hereafter receive each the sum of $1500, and rations, fuel, and quarters as at present authorized; and that the master-armorers of the same shall each receive the sum of $1200, and fuel and quarters as at present authorized; and that the aforesaid sums and allowances to the officers aforesaid shall be in full compensation for their services respectively.

SEC. 33. That the President be, and he is hereby, authorized, by and with the advice and consent of the senate, to appoint seven additional surgeons;[5] and that the officers whose appointment is authorized in this section shall receive the pay and allowances of officers of the same grades respectively.

[*Approved, July* 5, 1838.]

See April 29, 1812, chap. 72, engineers; March 28, 1812, chap. 46, quartermaster's department; April 14, 1818, chap. 61, staff; April 16, 1818, chap. 64, brevet; April 5, 1832, chap. 67, ordnance; July 7, 1838, chap. 194.

[1] This grant of land repealed, by the 7 July, 1838, chap. 194, par. 8. Two months' extra pay for re-enlistment, 2 March, 1833, chap. 68, sec. 3, also repeated.

[2] Chap. 9.

[3] Chap. 43. Height now fixed by regulation, at 5 feet 3 inches.

[4] These offices abolished, by the 23 August, 1842, chap. 186, sec. 2, and ordnance offices put in their stead.

[5] See, for further additions, sec. 6, chap. 8, 11 Feb. 1847, and for additions and present organization, see chap. 42, 3 August, 1861, and note; and see further, chap. 55, 16 April, 1862, and chap. 128, 2 July, 1862.

CHAPTER 189.—Approved, July 7, 1838.—Vol. 4, p. 303.

An Act granting half pay and pensions to certain widows.

1. Five years' pension granted to widows of officers and soldiers, &c. 2. No pledge, sale, &c., valid. Not liable to debts. Oath by attorneys before delivery of warrant. 3. Regulations.

That if any person who served in the war of the Revolution, in the manner[1] specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act[2] supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," *have died*,[3] leaving a widow, whose marriage took place after the expiration of the last period of his service, and before the first day of January, seventeen hundred and ninety-four,[4] such widow shall be entitled to receive, for and during the term of five years[5] from the fourth day of March, eighteen hundred and thirty-six, the annuity or pension which might have been allowed to her husband in virtue of said act, if living at the time it was passed: *Provided*,[6] That, in the event of the marriage of such widow, said annuity or pension shall be discontinued.

SEC. 2. That no[7] pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest, in any annuity, half pay, or pension, granted by this act, shall be valid, nor shall the half pay, annuity, or pension, granted by this act, or any former act of Congress, be liable to attachment, levy, or seizure, by any process in law or equity, but shall inure wholly to the personal benefit of the pensioner or annuitant entitled to the same; and that, before a warrant shall be delivered to any person acting for or in behalf of any one entitled to money under this act, such person shall take and subscribe an oath or affirmation,

[1] And also mariners and marines, by the 29 July, 1848, chap. 120, sec. 1.

[2] Chap. 126.

[3] This provision extended to the widows of those who have died since this act, by res. 3, March, 1851, No. 6, and on death after, by the 16 August, 1842, res. No. 8, and by the 2 Feb. 1848, chap. 8.

[4] 1800, by the 29 July, 1848, chap. 120, sec. 1.

[5] Extended for four years by the 3 March, 1843, chap. 102; and widow pensioners under special acts of Congress to have the benefit of this act, by the 17 June, 1844, chap. 105, and now for life, by the 2 Feb. 1848, chap. 8, and by same act, to widows who are pensioners by special acts.

[6] This restriction is abolished, and if a widow at the time of the application, it is enough, by the 23 August, 1842, chap. 191; but by the 2 Feb. 1848, chap. 8, the pension, on marriage of the widow, is to be discontinued.

[7] Same provision in the 29 July, 1848, chap. 120, sec. 2.

to be administered by the proper accounting officer, and put on file, that he has no interest in said money, by any pledge, mortgage, transfer, agreement, understanding, or arrangement, and that he does not know or believe that the same has been so disposed of to any other person.

SEC. 3. That the *secretary of war* shall adopt such regulations and forms of evidence, in relation to applications and payments under this act, as the President of the United States may prescribe.

[*Approved, July* 7, 1838.]

August 23, 1842, chap. 191.

CHAPTER 194.—Approved, July 7, 1838.—Vol. 5, p. 308.

An Act supplementary to an Act entitled "An Act to increase[1] *the present military establishment of the United States, and for other purposes," approved July fifth, eighteen hundred and thirty-eight.*

1. Back rations not to be allowed for time past. 2. Number of chaplains limited to twenty—to be approved by secretary of war. 4. The number of ordnance lieutenants limited to twelve. 5. Monthly pay of privates fixed at $7; $1 to be retained till discharged. 6. Compensation to engineer officers, for disbursing money, withdrawn. 7. Commissaries not to be separated from the line. 9. Additional ration for five years' service allowed to paymaster-general and surgeon-general.

That the act to which this is a supplement shall be, and the same hereby is, explained, limited, and modified as follows:

First. Nothing contained[2] in said act shall be so construed as to allow any officer additional rations for time past, commonly called back rations.

Second. The posts at which chaplains shall be allowed[3] shall be limited to the number of twenty,[4] and shall be approved by the secretary at war, and shall be confined to places most destitute of instruction.

Third. That so much[5] of said act as requires assistant quartermasters to be separated from the line, shall be, and the same is hereby, repealed.

[1] Chap. 162, *ante.* [2] Sec. 15. [3] Sec. 18.
[4] Ten additional chaplains, 2 March, 1849, chap. 83, sec. 3; one to every regiment, by sec. 7, chap. 42, 3 August, 1861. [5] Sec. 9.

Fourth. That the number[1] of lieutenants authorized by said act to be added and transferred to the ordnance department shall be limited to twelve.

Fifth. That the monthly pay of a private soldier, raised by said act[2] to $8, shall be limited and fixed at $7[3] a month: $1[4] thereof shall be retained, as provided[5] for in said act.

Sixth. That no compensation shall be allowed to officers of the engineer department for disbursement of public money while superintending public works.

Seventh. That the three commissaries of subsistence[6] authorized by said act shall not be separated from the line of the army.

Eighth. That so much[7] of said act as allows one hundred and sixty acres of land to soldiers who shall have served ten consecutive years be, and the same is hereby, repealed.

Ninth. That the said act[8] shall be so construed as to allow the paymaster-general and surgeon-general of the army the additional rations therein granted to officers of the line and staff for every five years' service.

[*Approved, July* 7, 1838.]

[By resolution 7, July 7, 1838, vol. 5, p. 311, the benefits of the 3d section of the act of 4 July, 1836, chapter 362, extended to widows whose husbands have died or shall die since the passage of that act.]

CHAPTER 82.—Approved, March 3, 1839.—Vol. 5, p. 339.

An Act making appropriations for the civil and diplomatic expenses of government for the year eighteen hundred and thirty-nine.

SEC. 3. That no officer in any branch of the public service, or any other person whose salaries or whose pay or emoluments is or are fixed by law and regulations, shall receive any extra allowance or compensation in any form whatever for the dis-

[1] See, for temporary increase, 3 March, 1847, chap. 61, sec. 16. [2] Sec. 16.
[3] And $4 additional, by 4 August, 1854, chap. 247, sec. 1; and made $13 per month by sec. 1, chap. 63, 6 August, 1861.
[4] $2 by sec. 10, chap. 38, 3 August, 1861; but all repealed by sec. 10, chap. 200, 17 July, 1862.
[5] Sec. 16. [6] Sec. 11. [7] Sec. 29. [8] Sec. 15.

bursement of public money, or the performance of any other service, unless the said extra allowance or compensation be authorized by law; nor shall any executive officer, other than the heads of departments, apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.[1]

[*Approved, March* 3, 1839.]

CHAPTER 85.—Approved, March 3, 1839.—Vol. 5, p. 352.

An Act to amend an Act entitled "An Act regulating the pay and emoluments of brevet officers," passed April 16, 1818.

That, from and after the passing of this act, the act entitled[2] "An act regulating the pay and emoluments of brevet officers," approved April sixteenth, eighteen hundred and eighteen, be, and the same shall be, so construed as to include the case of the adjutant-general of the United States.

CHAPTER 89.—Approved, March 3, 1839.—Vol. 5, p. 355.

An Act giving to the President of the United States additional powers for the defence of the United States, in certain cases, against invasion, and for other purposes.[3]

That the President of the United States be, and he hereby is, authorized to resist any attempt on the part of Great Britain to enforce, by arms, her claim to exclusive jurisdiction over that part of the state of Maine which is in dispute between the United States and Great Britain; and for that purpose to employ the naval and military forces of the United States, and such portions of the militia as he may deem it advisable to call into service.

SEC. 2. That the militia when called into the service of the United States by virtue of this act or of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for these purposes,"[4] may, if, in the opinion of the President of the United States, the public interest require it, be compelled to serve for a term not exceeding six months

[1] This proviso destroys all claims of officers for extra compensation, is general in its terms, and leaves no discretion to any officer or tribunal to allow extra pay. Collectors have no right to compensation for paying drafts drawn by the treasury department. 10 Howard, 109, 141, and see 23 August, 1842, chap. 183; see, for same, sec. 2, chap. 183, 23 August, 1842, *post.*

[2] Chap. 64.

[3] Expired by operation of 9th section, but it is doubtful if sec. 8 is thereby repealed.

[4] Chap. 36, 28 February, 1795.

after the arrival at the place of rendezvous, in any one year, unless sooner discharged.

SEC. 3. That in the event of actual invasion of the territory of the United States by any foreign power, or if imminent danger of such invasion discovered, in his opinion, to exist before Congress can be convened to act upon the subject, the President be, and he is hereby, authorized, if he deem the same expedient, to accept the services of any number of volunteers not exceeding fifty thousand, in the manner provided for by an act entitled "An act authorizing the President of the United States to accept the service of volunteers, and to raise an additional regiment of dragoons or mounted riflemen," approved May 23d, 1836.

SEC. 4. That in the event of either of the contingencies provided for in this act, the President of the United States shall be authorized to complete the public armed vessels now authorized by law, and to equip, man, and employ, in actual service, all the naval force of the United States, and to build, purchase, or charter, arm, equip, and man, such vessels and steamboats on the Northern lakes and rivers, whose waters communicate with the United States and Great Britain, as he shall deem necessary to protect the United States from invasion from that quarter.

SEC. 5. That the sum of $10,000,000 is hereby appropriated, and placed at his disposal, for the purpose of executing the provisions of this act; to provide for which the secretary of the treasury is authorized to borrow money on the credit of the United States, and to cause to be issued certificates of stocks, signed by the register of the treasury, for the sum to be borrowed, or any part thereof; and the same to be sold upon the best terms that may be offered, after public notice for proposals for the same: *Provided*, That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums thus borrowed after the expiration of five years from the 1st of January next; and that the rate of interest shall not exceed five per cent. payable semi-annually.

SEC. 6. That the sum of $18,000 be, and the same is hereby, appropriated out of any money in the treasury, not otherwise appropriated, for outfit and salary of a special minister to Great Britain: *Provided*, The President of the United States shall deem it expedient to appoint the same.

SEC. 7. That in the event of either of the contingencies provided for in the first and third sections of this act, the President of the United States shall be authorized to apply a part, not exceeding $1,000,000, of the appropriation made in this act to repairing or arming fortifications along the seaboard and frontier.

SEC. 8. That whenever[1] militia or volunteers are called into the service of the United States, they shall have the organization of the army of the United States, and shall receive the same pay and allowances.

SEC. 9. That the several provisions of this act shall be in force until the end of sixty days after the meeting of the first session of the next Congress, and no longer.

[*Approved, March* 3, 1839.]

[1] By the word "whenever" in this section, it would appear that it is not to be repealed by the following section (9).

CHAPTER 39.—Approved, June 19, 1840.—Vol. 5, p. 385.

An Act making provision for the payment of pensions to the executors or administrators of deceased pensioners in certain cases.

1. In case of a pensioner leaving children, but no widow. 2. In case of a pensioner who is a widow leaving children. 3. In case of any pensioner, whether male or female, leaving children, the amount of pension, &c.

That in case any male pensioner shall die, leaving children, but no widow, the amount of pension due to such pensioner at the time of his death shall be paid to the executor or administrator on the estate of such pensioner, for the sole and exclusive benefit of the children, to be by him distributed among them in equal shares, and the same shall not be considered as a part of the assets of said estate, nor liable to be applied to the payment of the debts of said estate in any case whatever.

SEC. 2. That in case any pensioner who is a widow shall die, leaving children, the amount of pension due at the time of her death shall be paid to the executor or administrator for the benefit of her children, as directed in the foregoing section.

SEC. 3. That in case of the death of any pensioner, whether male or female, leaving children, the amount of pension may be paid to any one or each of them, as they may prefer, without the intervention of an administrator.

CHAPTER 50.—Approved, July 20, 1840.—Vol. 5, p. 397.

An Act to provide for the support of the Military Academy for the year eighteen hundred and forty.

2. Commander of cadets to be instructor of infantry tactics, or, &c. His pay and emoluments, and, &c. 3. Compensation of the assistant professor of ethics.

SEC. 2. That the commander of the corps of cadets at the Military Academy shall be either the instructor of infantry tactics, of cavalry and artillery tactics, or of practical engineering, and that his pay and emoluments shall in no case be less than the compensation allowed by law to the professor of mathematics; and that the pay and emoluments of the instructors in these branches shall in no case be less than is allowed by law to the assistant professor of mathematics.

SEC. 3. That the assistant professor of ethics shall be allowed the same compensation as is now allowed by law to the other assistant professors in the institution.

[*Approved, July* 20, 1840.]

RESOLUTION 6.—Approved, September 11, 1841.—Vol. 5, p. 468.

Joint resolution making it the duty of the Attorney-General to examine into the titles of the lands or sites for the purpose of erecting thereon armories and other public works and buildings, and for other purposes.

That it shall be the duty of the attorney-general of the United States to examine into the titles of all the lands or sites which have been purchased by the United States, for the purpose of erecting thereon armories, arsenals, forts, fortifications, navy yards, custom houses, light houses, or other public buildings of any kind whatever, and report his opinion as to the validity of the title in each case, to the President of the United States.

That it shall be the duty of all the officers of the United States having any of the title-papers to the property aforesaid in their possession, to furnish them forthwith to the attorney-general, to aid him in the investigation aforesaid.

That no public money shall be expended upon any site or land hereafter to be purchased by the United States for the purposes aforesaid, until the written opinion of the attorney-general shall be had in favor of the validity of the title, and also the consent of the legislature of the state in which the land or site may be, shall be given to said purchaser.

That it shall be the duty of the district attorneys of the United States, upon the application of the attorney-general, to furnish any assistance or information in their power in relation to the titles of the public property aforesaid, lying within their respective districts.

That it shall be the duty of the secretaries of the executive departments, upon the application of the attorney-general, to procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of government; the expense of procuring which to be paid out

of the appropriations made for the contingencies of the departments respectively.

That it shall be the duty of the secretaries of the executive departments, respectively, under whose direction any lands for the purposes aforesaid may have been purchased, and over which the United States do not possess jurisdiction, to apply to the legislatures of the states in which the lands are situated, for a cession of jurisdiction, and, in case of refusal, to report the same to Congress at the commencement of the next session thereafter.

[*Approved, September* 11, 1841.]

[By chapter 24, April 14, 1842, vol. 5, p. 473, certain Cherokee warriors were allowed pensions at the same rate as officers and soldiers of the regular army.]

CHAPTER 183.—Approved, August 23, 1842.—Vol. 5, p. 508.

An Act making appropriations for the support of the army, and of the Military Academy, for the year one thousand eight hundred and forty-two.

SEC. 2. That no officer in any branch of the public service, or[1] any other person whose salary, pay, or emoluments is or are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement[2] of public money, or for any other service or duty whatsoever, unless the same shall be authorized by law, and the appropriation therefor explicitly set forth that it is for such additional pay, extra allowance, or compensation.

[1] Quære: If this affects extra pay of officers in the army under the 11 Jan. 1812, chap. 14, sec. 20; see, as to clerks, the 26 Aug. 1842, chap. 202, sec. 12; and see chap. 82, 3 March, 1839, *ante*.

[2] Or for performing the duties of another of same department, by the 26 August, 1842, chap. 202, sec. 12.

CHAPTER 186.—Approved, August 23, 1842.—Vol. 5, p. 512.

An Act respecting the organization of the army, and for other purposes.

1. Dragoons reduced. 2d regiment dragoons into riflemen. Artillery and infantry reduced. No enlistments till after reduction, except of non-commissioned officers. 2. Superintendencies of armories at Springfield and Harper's Ferry abolished. Salaries of armorers, inspectors, clerks, &c., paymasters and storekeepers. Bonds of. Storekeepers at arsenals; salaries of; limited to ten. Others abolished. No extra pay at armories. 3. Commissary-general of purchases abolished. Duties of, performed by the quartermaster's department. 5. One inspector to superintend the manufacture of cannon. 6. Rations to officers by 3 March, 1797, and 16 March, 1802, allowed to certain officers only, &c.

That hereafter, and so soon as the reduction can be effected as herein provided, each company of dragoons shall consist of the commissioned officers as now[1] provided by law, and of four sergeants,[2] four corporals, two buglers, one farrier and blacksmith, and fifty[3] privates; *and*[4] *the second regiment of dragoons now*[5] *in service shall be converted, after the fourth day of March next, into a regiment of riflemen;* and each company of artillery shall consist of the commissioned officers as now[6] provided by law, and of four sergeants, four corporals, two artificers, two musicians, and forty-two privates; and each company of infantry shall consist of the same number of commissioned officers as now[7] provided, and of four sergeants, four corporals, two musicians, and forty-two privates; and that no recruits shall be enlisted for the dragoons, artillery, or infantry, until the numbers in the several companies shall be reduced by the expiration of the term of service, by discharge, or other causes, below the number herein[8] fixed for the said companies respect-

[1] By the 2 March, 1833, chap. 76; and see 30 March, 1814, chap. 37, sec. 4, which was supplied by the 2 March, 1821, chap. 13, which admitted no dragoons in the army; and see the 23 May, 1836, chap. 80, sec. 6, for the 2d regiment of dragoons.

[2] One of whom to act as quartermaster's sergeant, 2 March, 1833, chap. 76.

[3] And two teamsters to each company of dragoons, artillery, and mounted riflemen, by the 3 March, 1847, chap. 41, sec. 9; but see 17 July, 1862, chap. 201.

[4] The words in italics, as to the 2d regiment of dragoons, are repealed by the 4 April, 1844, chap. 11.

This regiment was organized by the 2 March, 1833, chap. 76, and was directed to be remounted by the 4 April, 1844, chap. 11.

[5] Under the 23 May, 1836, chap. 80, sec. 6.

[6] By the 3 March, 1815, chap. 79, sec. 7, vol. 3, p. 224, and the 2 March, 1821, chap. 13.

[7] By the 2 March, 1821, chap. 13, sec. 1.

[8] The companies of the several corps may be increased to seventy-four by the President, for distant posts, by the 17 June, 1850, chap. 20.

ively: *Provided,* That nothing in this section shall be construed to prevent the re-enlistment of non-commissioned officers whose terms of service may expire before the army shall be reduced to the number heretofore established.

SEC. 2. That the offices of the superintendents of the armories at Springfield[1] and at Harper's Ferry shall be, and the same are hereby, abolished, and the duties thereof shall be performed by such officers of the ordnance corps as shall be designated by the President; and that from and after the first day of October next, the master-armorers at the national armories shall receive, each, twelve hundred dollars, annually, payable quarter-yearly;[2] and the inspectors and clerks, each, eight hundred dollars per annum; and the paymasters and military storekeepers, at the armories, and at the arsenals of construction at Pittsburg, Watervliet, and Washington City,[3] shall receive, each, twelve hundred and fifty dollars annually, payable in like manner, and the said paymasters and military storekeepers shall give security for the faithful discharge of their duties, in such sum as the Secretary of War shall prescribe. And the two military storekeepers, authorized by the act[4] of second of March, one thousand eight hundred and twenty-one, shall receive, each, twelve hundred and fifty dollars per annum. And no military storekeeper, at arsenals, shall, after the first day of October next, receive, as pay, or emoluments, beyond eight[5] hundred dollars per annum, besides quarters actually provided and occupied as such, and the number authorized to be thus employed is hereby limited to ten; and all other offices of military storekeepers are hereby abolished, and discontinued, on and after said first day of October, and the officers hereby dismissed shall be allowed three months' pay in addition to the pay and emoluments to which they may be entitled on that day. And none of the above-named officers, and no officers at the armories, of any grade whatever, shall hereafter receive emoluments of any

[1] See 29 April, 1816, vol. 3, p. 323, and 5 July, 1838, chap. 162, sec. 32, as to their wages; see chap. 98, 3 March, 1853; and for civil superintendents again see sec. 1, chap. 267, 5 August, 1854; and for military superintendents, see sec. 5, chap. 57, 6 August, 1861.

See present organization of cavalry, sec. 11, chap. 201, 17 July, 1862.

[2] Fifteen hundred dollars per annum, by sec. 2, chap. 106, 3 March, 1857.

[3] And Watertown, by the 3 March, 1849, chap. 101, sec. 2.

[4] Chap. 13, sec. 9.

[5] The pay of all commissioned officers of the army, including military storekeepers, was increased $240 per annum, by chap. 55, 21 Feb. 1857.

kind, or any compensation or commutation beyond their stipulated pay in money, except quarters actually provided for and occupied by such officers.

SEC. 3. That the office of commissary-general[1] of purchases, sometimes called commissary of purchases, shall be, and the same is hereby, abolished, and the duties thereof shall hereafter be performed by the officers of the quartermaster's department, with such of the officers and clerks now attached to the purchasing department as shall be authorized by the Secretary of War, and under such regulations as shall be prescribed by the said secretary, under the sanction of the President of the United States.

SEC. 4. That, within one month after the passage of this act, *the offices of one inspector-general,*[2] of three paymasters, two surgeons, and ten assistant surgeons of the army shall be abolished, and that number of paymasters, surgeons, and assistant surgeons shall be discharged by the President, and they shall be allowed three months' pay, in addition to the pay and emoluments to which they may be entitled at the time of their discharge.

SEC. 5. That a competent person may be employed by the ordnance bureau, under the direction of the Secretary of War, for such time as may be necessary, to superintend the manufacture of iron cannon at the several foundries where such cannon may be made under contracts with the United States, whose pay and emoluments shall not exceed those of a major of ordnance during the time he shall be so employed, to be paid out of the appropriations for armament of fortifications; and for the services rendered in such superintendence since the first day of March, eighteen hundred and forty-one, under the authority of the War Department, the same compensation shall be allowed as herein provided.

SEC. 6. That the rations authorized to be allowed to a brigadier while commander-in-chief, and to each officer while commanding a separate post, by the act[3] of March third, seventeen hundred and ninety-seven, and to the commanding officers of each separate

[1] Established by the 2 March, 1821, chap. 13, sec. 9.

[2] The two inspectors-general established by the 2 March, 1821, chap. 13, vol. 3, p. 615–616, are restored by the 12 Jan. 1846, chap. 3, and two more added by sec. 4, chap. 57, 6 Aug. 1861, and five assistants, by chap. 42, 3 Aug. 1861.

[3] The fourth section of which is as follows:—"That to the brigadier, while commander-in-chief, and to each officer while commanding a separate post, there shall be allowed twice the number of rations to which they would otherwise be entitled;" but that section (4) seems clearly repealed by the 16 March, 1802, chap. 9, sec. 5, and, if not, certainly by this section (6).

post, by the act[1] of March sixteen, eighteen hundred and two, shall hereafter be allowed to the following officers, and no others:[2] to the major-general commanding the army, and to every officer commanding in chief a separate army, actually in the field; to the generals commanding the eastern and western geographical divisions; to the colonels or other officers commanding military geographical departments; *to the commandant of each permanent or fixed post, garrisoned with troops, including the superintendent of the military academy at West Point, who is regarded as the commandant of that post.*[3]

[*Approved, August* 23, 1842.]

CHAPTER 191.—Approved, August 23, 1842.—Vol. 5, p. 521.

An Act to amend the Acts of July, eighteen hundred and thirty-six, and eighteen hundred and thirty-eight, allowing pensions to certain widows.

That the marriage[4] of the widow, after the death of her husband, for whose services she claims a pension under the act of the seventh July,[5] eighteen hundred and thirty-eight, shall be no bar to the claim of such widow to the benefit of that act, she being a widow at the time she makes application for a pension.

CHAPTER 202.—Approved, August 26, 1842.—Vol. 5, p. 523.

An Act legalizing and making appropriations for such necessary objects as have been usually included in the general appropriation bills without authority of law, and to fix and provide for certain incidental expenses of the Department and officers of the Government, and for other purposes.

11. Report of clerks and other persons employed, to be made annually to Congress. 23. Surplus for one object may be applied to supply a deficiency for another, except newspapers and periodicals. 25. Accounts of no commission, except courts-martial, &c., to be paid without a special appropriation.

SEC. 11.[1] That it shall be the duty of the Secretaries of * * *,

[1] Chap. 9, sec. 5.
[2] And the adjutant and quartermaster general, by 3 March, 1847, chap. 61, sec. 20.
[3] Words in italics repealed by sec. 19, chap. 42, 3 Aug. 1861.
[4] On marriage, pension to cease again: 2 Feb. 1848.
[5] Chap. 189.
[6] This supplies 21 April, 1806, chap. 41, sec. 5, and 20 April, 1818, chap. 87, sec. 9.

War, * * *, to report to Congress, at the beginning of each year, the names of the clerks and other persons that have been employed, respectively, during the preceding year, or any part thereof, in their respective departments and offices, together with the time that each clerk or other person was actually employed, and the sums paid to each; and, also, whether they have been usefully employed, whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals, and the appointment of others in their stead, is required for the better dispatch of business; and no greater allowance shall be made to any such clerk, or other person, than is or may be authorized by law, except to watchmen and messengers, for any labor or services required of them beyond the particular duties of their respective stations, rendered at such times as does not interfere with the performance of their regular duties.

SEC. 23.[1] That in case the sum appropriated for any object should be found more than sufficient to meet the expense thereby contemplated, the surplus may be applied, under the direction of the head of the proper department, to supply the deficiency of any other item in the same department or office: *Provided*, That the expenditure for newspapers and periodicals shall not exceed the amount specifically appropriated to that object by this act.

SEC. 25. That it shall not, at any time hereafter, be lawful for any accounting or disbursing officer of the Government to allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges: *Provided*, That this shall not extend to the contingent fund connected with the foreign intercourse of the Government placed at the disposal of the President of the United States.

[*Approved, August* 26, 1842.]

[1] Re-enacted 24 Dec. 1842, chap. 2, sec. 2, and in subsequent appropriation acts.

RESOLUTION 8.—Approved, August 16, 1842.—Vol. 5, p. 584.

A Resolution declarative of the Pension Act of July seventh, eighteen hundred and thirty-eight.

That the benefits of the act[1] entitled "An act granting half pay and pensions to certain widows," approved the seventh day of July, eighteen hundred and thirty-eight, shall not be withheld from any widow whose husband died after the passage of the act of the seventh of June, eighteen hundred and thirty-two, and before the act of the seventh of July, eighteen hundred and thirty-eight, if otherwise entitled to the same.

CHAPTER 52.—Approved, March 1, 1843.—Vol. 5, p. 604.

An Act making appropriations for the support of the Army and of the Military Academy, &c. &c., for the fiscal year ending the thirtieth day of June, one thousand eight hundred and thirty-four.

2. Appropriation, &c., for the military academy. Provisoes relative to the appointment of cadets.[2]

SEC. 2. * * * * *Provided*, That hereafter, in all cases of appointments of cadets to the West Point Academy, the individual selected shall be an actual resident of the congressional district of the state or territory, or District of Columbia, from which the appointment purports to be made: *And provided, further*, That the number of cadets by appointments hereafter to be made, shall be limited to the number of the representatives and delegates in Congress, and one for the District of Columbia, and that each congressional and territorial district, and District of Columbia, shall be entitled to have one cadet at said academy: *Provided*, That nothing in this section shall prevent the appointment of an additional number of cadets, not exceeding ten, to be appointed at large, without being confined to a selection by congressional districts.

[1] Chap. 189.

[2] And see sec. 8, chap. 42, 3 Aug. 1861, for conditions of readmission after discharge, oath, &c., *post*.

Chapter 102.—Approved, March 3, 1843.—Vol. 5, p. 647.

An Act granting a pension to certain Revolutionary soldiers.

[Pensions to widows[1] under the acts of 1832, chap. 126, 1838, chap. 189, 1842, chap. 191, and Res. 8, continued for one year.[2]]

Chapter 11.—Approved, April 4, 1844.—Vol. 5, p. 654.

An Act to repeal so much of the Act approved the twenty-third of August, one thousand eight hundred and forty-two, as requires the second regiment of dragoons to be converted into a regiment of riflemen after the fourth day of March, one thousand eight hundred and forty-three.

That so much of the act entitled "An act respecting the organization of the army, and for other purposes," approved the 23d day of August, 1842,[3] as requires the second regiment of dragoons to be converted into a regiment of riflemen after the 4th day of March, 1843, be, and the same is hereby, repealed.

Sec. 2. That the present regiment of riflemen, formerly the second regiment of dragoons, shall, as soon as it can be effected after the passage of this act, be remounted, and called the second regiment of dragoons, and shall in all things be governed by the same organization and regulations as are provided by the act raising the first regiment of dragoons, entitled "An act for the more perfect defence of the frontier," approved the 2d day of March, 1833,[4] and shall, in all respects, be placed upon the same footing as the said first regiment of dragoons.

Chapter 15.—Approved, April 30, 1844.—Vol. 5, p. 656.

An Act making appropriations for the payment of Revolutionary and other pensioners of the United States, for the fiscal year ending on the thirtieth of June, one thousand eight hundred and forty-five.

That no pension shall be hereafter granted to a widow[5] for the same time that her husband received one; and that no person in the army, navy, or marine corps shall be allowed to draw both a pension as an invalid and the pay of his rank or station in the service, unless the alleged disability for which the pension was granted be such as to have occasioned his employment in a lower grade, or in some civil branch of the service.

[1] Or who have become such: see res. No. 6, 3 March, 1851.
[2] And four years more, by the 17 June, 1844, chap. 102, vol. 5, p. 680.
[3] Chap. 186.
[4] Chap. 76.
[5] Unless her application shall have been filed, &c.: 23 Jan. 1845, res. 1, vol. p. 796.

CHAPTER 73.—Approved, June 15, 1844.—Vol. 5, p. 673.

An Act making an appropriation for the payment of horses lost by the Missouri volunteers in the Florida war.[1]

SEC. 1. $34,500 appropriated. Value of horses and settlement of claims to be made according to act of March 3, 1839. Acts relating to claims for horses, &c., of volunteers in Florida war, revived.

SEC. 2. Act of January 18, 1837, revived for two years. Proviso: not to extend to cases arising in a future war.

CHAPTER 102.—Approved, June 17, 1844.—Vol. 5, p. 680.

An Act to continue the pensions of certain widows.

SEC. 1. Act of March 3, 1843, granting pensions to widows, extended for four years from March 4, 1844.[2]

SEC. 2. Widows entitled to benefit of act of July 7, 1838, to have benefit of this.

CHAPTER 15.—Approved, February 20, 1845.—Vol. 5, p. 724.

An Act restricting the grant of pensions in certain cases.

That, from and after the passage of this act, a pension shall not be granted to any widow for or during any part or portion of the time her husband may have received one, whose declaration therefor shall not have been made on or before[3] the thirtieth day of April, one thousand eight hundred and forty-four, and shall not have been received at the pension office on or before the twenty-third day of January, one thousand eight hundred and forty-five.

[By chapter 47, sec. 2, March 3, 1845, vol. 5, p. 742, from and after the 30th June, 1845, the pay of a cadet shall be $24 per month, in lieu of the present pay and emoluments.[4]]

[1] See chap. 129, 3 March, 1849, and note.

[2] Extended to those whose husbands died after the passage of these acts, by res. 6, 3 March, 1851.

[3] Unless filed on or before 23 Jan. 1845; see res. 1, 23 Jan. 1845.

[4] Formerly $16; but increased to $30 by act 3 March, 1857, chap. 119.

CHAPTER 65.—Approved, March 3, 1845.—Vol. 5, p. 745.

An Act making appropriations for the support of the army, for the year ending on the thirtieth of June, eighteen hundred and forty-six.

[SEC. 1. For commutation of forage for officers' horses. *Provided*,[1] That general and field officers shall not be entitled, in time of peace, to draw forage, or money in lieu thereof, for more than three horses each, to be owned and actually kept in service; officers of the regiments of dragoons below the rank of field officers, for two horses each;[2] and all other officers now entitled to forage, for one horse each, to be owned and actually kept in service.]

CHAPTER 3.—Approved, January 12, 1846.—Vol. 9, p. 2.

An Act to repeal the Act which abolished the office of one of the inspectors-general of the army, and to revive and establish said office.

That so much of the fourth section of an act, approved the 23d day of August, 1842, entitled "An act[3] respecting the organization of the army, and for other purposes," as directs that the office of one inspector-general of the army shall be abolished, and the inspector discharged, shall be, and the same is hereby, repealed; and all acts and parts of acts so repealed shall be, and the same hereby are, revived and continued in force.[4]

CHAPTER 13.—Approved, May 7, 1846.—Vol. 9, p. 5.

An Act making appropriations for the payment of Revolutionary and other pensions of the United States, for the year ending the thirtieth June, one thousand eight hundred and forty-seven, and for other purposes.

SEC. 2. That no widow entitled to a pension under existing laws, and claiming a pension, whose husband was drawing a pension at the time of his decease, shall be required, in any such

[1] This modifies 5 July, 1838, sec. 24, if it modifies any thing.

[2] And see (for its injurious operation on assistant surgeons) Surgeon-General's Report, Sen. Doc., p. 146, 1853. And see act of July, 1862, chap. 200, for forage and commutation.

[3] Chap. 186.

[4] For increase in inspector's department, see sec. 2, chap. 42, 3 Aug. 1861, and sec. 4, chap. 57, 6 Aug. 1861.

case, to furnish any further evidence that said husband was entitled to a pension; nor shall any evidence, in any case, be required to entitle the widow to a pension, when the evidence is in the archives of the government, other than such proof as would be sufficient to establish the marriage between the applicant and the deceased pensioner in civil personal actions in a court of justice: *Provided,*[1] *That, upon a revision of the testimony in the case of the deceased husband, the commissioner be satisfied that the pension was properly granted.*

[Sec. 3.[2] Act of 1845, chap. 71, sec. 4, respecting the reopening of settled accounts, and the limitation of claims on the United States, not to apply to pensions.]

[*Approved, May* 7, 1846.]

CHAPTER 16.—Approved, May 13, 1846.—Vol. 9, p. 9.

An Act providing for the prosecution of the existing war between the United States and the Republic of Mexico.[3]

Whereas, by the act of the republic of Mexico, a state of war exists between that government and the United States:

That, for the purpose of enabling the Government of the United States to prosecute said war to a speedy and successful termination, the President be, and he is hereby, authorized to employ the militia, naval, and military forces of the United States, and to call for and accept the services of any number of volunteers, not exceeding 50,000, who may offer their services either as cavalry, artillery, infantry, or riflemen, to serve twelve months after they shall have arrived at the place of rendezvous, or to the end of the war, unless sooner discharged, according to the time for which they shall have been mustered into service; and that the sum of $10,000,000, out of any moneys in the treasury, or to come into the treasury, not otherwise appropriated, be, and the same is hereby, appropriated for the purpose of carrying the provisions of this act into effect.

SEC. 2. That the militia, when called into the service of the United States by virtue of this act, or any other act, may, if in the opinion of the President of the United States the public interest requires it, be compelled to serve for a term not exceeding six months after their arrival at the place of rendezvous, in any one year, unless sooner discharged.

SEC. 3. That the said volunteers shall furnish their own clothes, and, if cavalry, their own horses and horse equipments; and when mustered into service shall be armed at the expense of the United States.

[1] Proviso repealed 26 June, 1848, chap. 71.
[2] This section of the act of 1845 repealed 10 Aug. 1846, chap. 175, vol. 9, p. 97.
[3] See 18 June, 1846, chap. 29, and 19 July, 1848, chap. 164.

SEC. 4. That said volunteers shall, when called into actual service, and while remaining therein, be subject to the rules and articles of war, and shall be in all respects, except as to clothing and pay, placed on the same footing with similar corps of the United States army; and in lieu of clothing every non-commissioned officer and private in any company, who may thus offer himself, shall be entitled, when called into actual service, to receive in money a sum equal to the cost of clothing of a non-commissioned officer or private (as the case may be) in the regular troops of the United States.

SEC. 5. That the said volunteers so offering their services shall be accepted by the President in companies, battalions, squadrons, and regiments, whose officers shall be appointed in the manner prescribed by law in the several states and territories to which such companies, battalions, squadrons, and regiments shall respectively belong.

SEC. 6. That the President of the United States be, and he is hereby authorized to organize companies so tendering their services into battalions or squadrons, battalions and squadrons into regiments, regiments into brigades, and brigades into divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; and the President shall, if necessary, apportion the staff, field, and general officers among the respective states and territories from which the volunteers shall tender their services, as he may deem proper.

SEC. 7. That the volunteers who may be received into the service of the United States, by virtue of the provisions of this act, and who shall be wounded or otherwise disabled in the service, shall be entitled to all the benefit which may be conferred on persons wounded in the service of the United States.

SEC. 8. That the President of the United States be, and he is hereby, authorized forthwith to complete all the public armed vessels now authorized by law, and to purchase or charter, arm, equip, and man such merchant vessels and steamboats as, upon examination, may be found fit, or easily converted into armed vessels fit, for the public service, and in such number as he may deem necessary for the protection of the seaboard, lake-coast, and the general defence of the country.

SEC. 9. That whenever the militia or volunteers are called and received into the service of the United States, under the provisions of this act, they shall have the organization of the army of the United States, and shall have the same pay and allowances; and all mounted privates, non-commissioned officers, musicians, and artificers shall be allowed 40 cents per day for the use and risk of their horses, except of horses actually killed in action; and if any mounted volunteer, private, non-commissioned officer, musician, or artificer shall not keep himself provided with a serviceable horse, the said volunteer shall serve on foot.[1]

[*Approved, May* 13, 1846.]

[1] Very similar acts were passed in the called session of July, 1861, for carrying on the war against the southern states in rebellion against the government.

CHAPTER 17.—Approved, May 13, 1846.—Vol. 9, p. 11.

An Act to authorize an increase of the rank and file of the army of the United States.[1]

That the President of the United States be, and is hereby, authorized, by voluntary enlistment, to increase the number of privates in each or any of the companies of the existing regiments of dragoons, artillery, and infantry, to any number not exceeding one hundred, whenever, in his opinion, the exigencies of the public service may require the same, and to reduce the same to sixty-four, when the exigencies requiring the present increase shall cease: *Provided*, That said enlistments shall be for the term of five years, and no longer, unless sooner disbanded by the President.[2]

CHAPTER 21.—Approved, May 15, 1846.—Vol. 9, p. 12.

An Act for the organization of a company of sappers, miners, and pontoniers.

2. Pay and rations. Clothing, and other allowances. 3. Placed on the same footing as other troops of the United States. 4. To be attached to the corps of engineers, and to be officered by officers of that corps, &c. Liable to serve by detachments in working on fortifications. 5. The chief engineer to regulate and determine the number, quality, &c., of the necessary vehicles, pontons, &c.

That there be added to the corps of engineers[3] one company of sappers, miners, and pontoniers, to be called engineer soldiers; which company shall be composed of ten sergeants, or master-workmen, ten corporals, or overseers, two musicians, *thirty-nine* privates of the first class, or artificers, and *thirty-nine*[4] privates of the second class, or laborers; in all, *one hundred* men.

SEC. 2. That the pay and rations of the sergeants, or master-workmen, of said company, shall be the same as those now allowed by law to the master-workmen employed by the ordnance department, excepting that the engineer sergeants shall receive one ration only per day, instead of one ration and a half; of the corporals, or overseers, the same as those now allowed by law to the armorers, carriage-makers, and blacksmiths employed by the ordnance department, excepting that the engineer corporals shall receive one ration only per day, instead of one ration and a half; of the privates of the first class, or artificers, the same as those now allowed by law to the artificers employed

[1] Repealed, 14 August, 1848, chap. 173.

[2] Provisions of this act made applicable to the regiment of mounted riflemen authorized by chap. 22, 19 May, 1846.

[3] Three more companies added to engineers by sec. 4, chap. 42, 3 August, 1861, and one company to topographical engineers by chap. 57, sec. 2, (by chap. 58,) 6 August, 1831.

[4] 150 privates to all engineer companies, by same act.

by the ordnance department; of the privates of the second class, or laborers, the same as those now allowed by law to the laborers employed by the ordnance department; and of the musicians, the same as those allowed by law to the musicians of the line of the army; the said non-commissioned officers, privates, and musicians being respectively entitled to the same clothing and other allowances as are granted by law to non-commissioned officers, privates, and musicians of the artillery in the army of the United States.

SEC. 3. That the said engineer company shall be subject to the rules and articles of war, shall be recruited in the same manner, and with the same limitation, and shall be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed to the other troops constituting the present military peace establishment.

SEC. 4. That the said engineer company shall be attached to and compose a part of the corps of engineers, and be officered by officers of that corps, as at present organized; they shall be instructed in and perform all the duties of sappers, miners, and pontoniers, and shall aid in giving practical instructions in these branches at the Military Academy; they shall, moreover, under the orders of the chief engineer, be liable to serve, by detachments, in overseeing and aiding laborers upon fortifications or other works under the engineer department, and in supervising finished fortifications as fort-keepers, preventing injury and applying repairs.

SEC. 5. That the chief engineer, with the approbation of the secretary of war, be authorized to regulate and determine the number, quality, form, dimensions, &c. of the necessary vehicles, pontons, tools, implements, arms, and other supplies, for the use and service of said company as a body of sappers, miners, and pontoniers.

[*Approved, May* 15, 1846.]

CHAPTER 22.—Approved, May 19, 1846.—Vol. 9, p. 13.

An Act to provide for raising a regiment of mounted riflemen, and for establishing military stations on the route to Oregon.[1]

1. Regiment of mounted riflemen raised. Organization. 2. Pay and emoluments. 3. To be subject to the rules and articles of war, and recruited in the same manner as other troops of the United States. Provisions for wounds and disabilities, and for widows and children, &c. 4. Extra compensation when on fatigue duty.

That there shall be raised one regiment of mounted riflemen, to be composed and organized as follows, to wit: one colonel, one lieutenant-colonel, one major, one quartermaster-sergeant, and two chief buglers, one adjutant, who shall be a lieutenant, one sergeant-major, one chief musician, and ten companies; each company shall consist of one captain, one first lieutenant, one second lieutenant, (exclusive of the adjutant-lieutenant,) four sergeants, four corporals, two buglers, one farrier, one blacksmith, and sixty-four privates.[2]

SEC. 2. That the officers, non-commissioned officers, musicians, and privates shall be entitled to the same pay and emoluments as are allowed to dragoons, and that the farrier and blacksmith shall receive the same pay and allowances as are allowed to an artificer of artillery.

SEC. 3. That the said regiment of riflemen shall be subject to the rules and articles of war, and shall be recruited in the same manner as other troops in the service of the United States, and with the same conditions and limitations; and the officers, non-commissioned officers, musicians, privates, blacksmiths, and farriers shall be entitled to the same provisions for wounds and disabilities, and the same provisions for widows and children, and the same allowances and benefits, in every respect, as are allowed to other troops composing the army of the United States.

SEC. 4. That the non-commissioned officers, musicians, and privates of said regiment, when employed in constructing fortifications, making surveys, cutting roads, or performing other labor, shall be allowed fifteen cents per day each, with a commutation in money for the extra spirit ration, as provided by

[1] Mounted riflemen are now denominated cavalry.

[2] Provisions of chap. 17, 13 May, 1846, made applicable to this act by sec. 18, chap. 61, 3 March, 1847.

the act of the second of March, one thousand eight hundred and nineteen, entitled "An act to[1] regulate the pay of the army when on fatigue duty."

[*Approved, May* 19, 1846.]

CHAPTER 28.—Approved, June 17, 1846.—Vol. 9, p. 17.

An Act making alterations in the pay department of the army.

1. Three additional paymasters to be appointed. 2. Duties, compensation, &c. Bonds of.

That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the senate, to appoint three additional paymasters,[2] to be attached to the pay department of the army.

SEC. 2. That the officers appointed in virtue of this act shall perform the same duties,[3] receive the same pay and allowances,[4] as the present paymasters of the army, and shall, in like manner, be subject to the rules and articles of war; and, previous to entering upon the duties of their office, shall give such bonds to the United States as the secretary of war may direct, for the faithful performance of their duties.

CHAPTER 29.—Approved, June 18, 1846.—Vol. 9, p. 17.

An Act supplemental to an Act entitled "An Act providing for the prosecution of the existing war between the United States and the Republic of Mexico," and for other purposes.

7. Promotions and appointments. 8. Aids-de-camp, whence to be taken. Military secretary. 9. Allowance for clothing. 10. Subsistence and forage of volunteers and militia. 11. Enlistments for ordnance department authorized.

That the President of the United States be, and he hereby is, authorized to appoint, by and with the advice and consent of the senate, one major-general, and two brigadier-generals, in addition to the present military establishment: *Provided*, That[5] when the war with Mexico shall be terminated by a definitive treaty of peace, duly concluded and ratified, the num-

[1] Chap. 45; and see sec. 6, chap. 247, 4 August, 1854.
[2] Continued in new organization, 2 March, 1849; two more appointed, 3 March, 1847.
[3] See act 24 April, 1816, chap. 69, sec. 3 and 4.
[4] See 4th section of 24 April, 1816, chap. 69.
[5] See 19 July, 1848, chap. 104, sec. 1, repealing.

ber of major-generals in the army shall be reduced to one, and the number of brigadier-generals shall be reduced to two; and the President of the United States is authorized and directed to select from the whole number which may then be in office, without regard to the date of their commissions, the number to be retained, and cause the remainder to be discharged from the service of the United States.

SEC. 2. That the President of the United States be, and he hereby is, authorized to call into the service, under the act approved May 13, 1846,[1] such of the general officers of the militia as the service, in his opinion, may require, and to organize into brigades and divisions the forces authorized by said act, according to his discretion.

SEC. 3. That the field and staff of a separate battalion of volunteers, under the said act, shall be one lieutenant-colonel or major, one adjutant, with the rank of lieutenant, one sergeant-major, one quartermaster-sergeant, and a chief bugler or principal musician, according to corps.

SEC. 4. That the President of the United States may limit the privates in any volunteer company, according to his discretion, at from sixty-four to one hundred; and that with every volunteer company an additional second lieutenant may be allowed and accepted.[2]

SEC. 5.[3] That when volunteers or militia are called into the service of the United States in such numbers that the officers of the quartermaster, commissary, and medical departments, authorized by law, be not sufficient to provide for supplying, quartering, transporting, and furnishing them with the requisite medical attendance, it shall be lawful for the President to appoint, with the advice and consent of the senate, as many additional officers of said departments as the service may require, not exceeding one quartermaster and one commissary for each brigade, with the rank of major, and one assistant quartermaster, with the rank of captain, one assistant commissary, with the rank of captain, one surgeon, and one assistant surgeon, for each regiment; the said quartermasters and commissaries, assistant quartermasters and assistant commissaries, to give bonds, with good and sufficient sureties, for the faithful performance of their duties; and they and the said surgeons and assistant surgeons to perform such duties as the President shall direct: *Provided*, That the said officers shall be allowed the same pay and emoluments as are now allowed to officers of the same descriptions and grades in those departments, respectively; that they be subject to the rules and articles of war, and continue in service only so long as their services shall be required, in connection with the militia and volunteers.

SEC. 6. That the President of the United States be, and he hereby is, authorized to appoint as many additional assistant adjutant-generals, not exceeding four,[4] as the service may require; who shall be appointed, by and with the advice and consent of the senate, in the same manner, have the same brevet rank, pay, and emoluments,[5] and be charged with the same duties,[6] as those now authorized by law: *Provided*, That these additional appointments shall continue only so long as the exigencies of the service may render necessary.

[1] To carry on and conclude the Mexican war, chap. 16.

[2] These provisions were regarded as temporary; see 17 June, 1850, chap. 20.

[3] This is very like a general enactment, but was regarded as temporary.

[4] Three more, by 3 March, 1847. By act of 5 July, 1838, there were six; and see organization of, also, chap. 42, sec. 2, 3 August, 1861.

[5] Of captains of cavalry, 5 July, 1838, chap. 162, sec. 7; majors by chap. 200, July, 1862.

[6] Inspectors-general when required, 5 July, 1838.

SEC. 7. That promotion, in the quartermaster's department, to the rank of major, shall hereafter be made from the captains of the army; and that appointments in the line, and in the general staff, which confer equal rank in the army, shall not be held by the same officer at the same time; and when any officer of the staff who may have been taken from the line shall, in virtue of seniority, have obtained or be entitled to promotion to a grade in his regiment equal to the commission he may hold in the staff, the said officer shall vacate such staff commission, or he may, at his option, vacate his commission in the line.[1]

SEC. 8. That the aids-de-camp of the major-general commanding the army in time of war may be taken from the line, without regard to rank; and the aids-de-camp allowed to other major-generals and brigadier-generals may be taken from the grade of captain or subaltern; and that the commanding or highest general in rank may, while in the field, appoint a military secretary from the subalterns of the army, who shall have the pay and emoluments of a major of cavalry for the time being.

SEC. 9. That the allowance[2] for clothing to each non-commissioned officer, musician, and private, of volunteers, shall be three dollars and fifty cents per month,[3] during the time he shall be in the service of the United States.

SEC. 10. That the non-commissioned officers, musicians, and privates, of volunteers and militia, when called into the service of the United States, shall be entitled to receive fifty cents, in lieu of subsistence, and twenty-five cents in lieu of forage for such as are mounted, for every twenty miles, by the most direct route, from the period of leaving their homes to the place of general rendezvous, and from the place of discharge back to their homes.

SEC. 11. That the colonel or senior officer of the ordnance department is authorized to enlist, for the service of that department, as many master armorers, master carriage-makers, master blacksmiths, artificers, armorers, carriage-makers, blacksmiths, and laborers, as the public service, in his judgment, under the

[1] See chap. 33, 3 March, 1851.

[2] By chap. 6, 28 January, 1848, clothing in kind, instead of money, may be issued to volunteers.

[3] When not furnished in kind, by chap. 9, sec. 5, 25 July, 1861.

directions of the secretary for the department of war, may require.

[*Approved, June* 18, 1846.]

CHAPTER 33.—Approved, June 26, 1846.—Vol. 9, p. 20.

An Act to provide for the organization of the volunteer forces brought into the service of the United States, into brigades and divisions, and for the appointment of the necessary number of general officers to command the same.

That the President of the United States be, and he is hereby, authorized to organize into brigades and divisions such of the volunteer forces as have been or may be called into the service of the United States, under the act approved May 13, 1846,[1] entitled "An act providing for the prosecution of the existing war between the United States and the Republic of Mexico;" and that he be, and hereby is, authorized to appoint, by and with the advice and consent of the senate, such number of major-generals and brigadier-generals as the organization of such volunteer forces into brigades and divisions may render necessary: *Provided*, That the brigadier-generals and major-generals so appointed shall be discharged from service by the President of the United States, when the war with Mexico shall be terminated by a definitive treaty of peace, duly concluded and ratified; or, in case the brigades or divisions of volunteers at any time in the service shall be reduced in number, the brigadier-generals and major-generals herein provided for shall be discharged in proportion to the reduction in the number of the brigades and divisions: *And provided, further*, That each brigade of volunteers shall consist of not less than three regiments, and each division shall consist of not less than two brigades.

CHAPTER 66.—Approved, July 29, 1846.—Vol. 9, p. 41.

An Act in relation to the payment of claims.

That whenever a claim on the United States aforesaid shall hereafter have been allowed by a resolution or[2] act of Congress, and thereby directed to be paid, the money shall not, nor shall any part thereof, be paid to any person or persons other than the claimant or claimants, his or their executor or executors, administrator or administrators, unless such person or persons shall produce to the proper disbursing officer a warrant of attorney, executed by such claimant or claimants, executor or

[1] Chap. 16.

[2] Applied to all claims by 26 February, 1853, chap. 81, sec. 7.

executors, administrator or administrators, after the enactment of the resolution or act allowing the claim; and every such warrant of attorney shall refer to such resolution or act, and expressly recite the amount allowed thereby, and shall be attested by two competent witnesses and be acknowledged by the person or persons executing it, before an officer having authority to take the acknowledgment of deeds, who shall certify such acknowledgment; and it shall appear by such certificate that such officer, at the time of the making of such acknowledgment, read and fully explained such warrant of attorney to the person or persons acknowledging the same.

[*Approved, July* 29, 1846.]

CHAPTER 96.—Approved, August 8, 1846.—Vol. 9, p. 70.

An Act making appropriations for the support of the Military Academy, for the year ending on the thirtieth June, eighteen hundred and forty-seven.

2. Board of visitors to be appointed. How selected. Compensation. 3. Certain teachers to be professors.

SEC. 2. That the President be authorized to appoint a board of visitors, to attend the annual examination of the military academy, whose duty it shall be to report to the secretary of war, for the information of Congress, at the commencement of the next succeeding session, the actual state of the discipline, instruction, police administration, fiscal affairs, and other concerns of the institution: *Provided*, That the whole number of visitors each year shall not exceed the half of the number of states in the Union; and that they shall be selected, alternately, from every second state, each member being a *bona fide* resident citizen of the state from which he shall be appointed; that not less than six members shall be taken from among officers actually serving in the militia; and that a second member shall not be taken from any congressional district, until every other district in the state shall have supplied a member: *Provided, further*, That no compensation shall be made to said members beyond the payment of their expenses for board and lodging while at the military academy, and an allowance not to exceed eight cents per mile, for travelling by the shortest mail route from

their respective homes to the academy, and back to their homes.

SEC. 3. That the teacher of drawing, and the first teacher of French, at the military academy, shall hereafter[1] be, respectively, professor of drawing, and professor of the French language.

[*Approved, August* 8, 1846.]

RESOLUTION 11.—Approved, July 16, 1846.—Vol. 9, p. 111.

A joint Resolution presenting the thanks of Congress to Major-General Taylor, his officers and men.

That the thanks of Congress are due, and are hereby tendered, to Major-General Zachary Taylor, commanding the army of occupation, his officers and men, for the fortitude, skill, enterprise, and courage which have distinguished the recent brilliant operations on the Rio Grande.

That Congress sincerely sympathize with the relatives and friends of the officers and soldiers of the army of the United States who so bravely fell in the service of their country on the Rio Grande.

That the President of the United States be requested to cause the foregoing resolutions to be communicated to General Taylor, and, through him, to the army under his command.

That the President of the United States be authorized and requested to have a medal of gold procured, with appropriate devices and inscriptions thereon, and presented to General Taylor, in the name of the Republic, as a tribute due to his good conduct, valor, and generosity to the vanquished.

RESOLUTION 12.—Approved, July 16, 1846.—Vol. 9, p. 111.

A joint Resolution to refund to states and individuals, expenses incurred by them under calls for militia and volunteers made by Generals Gaines and Taylor.

That the secretary of war be, and he is hereby, authorized and required to refund, out of the appropriation made by the "Act providing for the prosecution of the existing war between the United States and the Republic of Mexico," approved the 13th of May, 1846, to the governors of the several states called upon by General Taylor and General Gaines for volunteers and militia, and also to individuals, the amount of the expenses incurred by said states and individuals in fitting out and preparing said volunteers or militia to join the army under the command of General Taylor, to be settled upon just and equitable principles.

[1] Office created 28 Feb. 1803, chap. 18, sec. 2. See 3 March, 1851, chap. 22, *post.*

RESOLUTION 20.—Approved, August 8, 1846.—Vol. 9, p. 115.

Joint Resolution directing the payment of certain volunteers and militia, under the limitations therein prescribed.

That the secretary of war be, and he is hereby, authorized and required to cause to be paid, out of any of the appropriations made by the act providing for the prosecution of the existing war between the United States of America and the Republic of Mexico, approved, May 13, 1846, to the volunteers and militia called and actually received, by virtue of the orders of General E. P. Gaines, into the service of the United States, during the present year, and discharged before joining the army, and such companies as were actually organized and rendezvoused under said call, including the two companies of Major Gally's command, and the company at Baton Rouge arsenal, and also the company of Mississippi volunteers, (Natchez Fencibles,) and also the company of Mississippi volunteers, (Pontotoc Rovers,) organized and assembled at Vicksburg, and afterward disbanded or discharged, and the company of Ohio volunteers assembled at Camp Washington, near Cincinnati, and who claim to have been mustered into service, one day's pay and allowances for every day detained in service, and the usual travelling allowances, and no more. *And, further,* That where states or individuals have paid the expenses or provided the means of transportation of volunteers to the place of rendezvous, and furnished subsistence or clothing, the proportional amount thus furnished to each man, not exceeding the legal allowance to each, may be charged on the pay rolls and withheld and paid to the state or individual who actually paid the same. *And, further,* That when surgeons and assistant surgeons have attended regiments of volunteers to the time when medical officers, duly appointed by the United States, entered upon their duties with said regiments, they may receive the same rate of compensation, and to a like number, as provided for by law. And persons doing the duties of assistant quartermasters and assistant commissaries, under like circumstances, may in like manner receive the same rate of compensation, and to a like number, as authorized by existing laws.

CHAPTER 2.—Approved, January 12, 1847.—Vol. 9, p. 117.

An Act to encourage enlistments in the regular army.

That, during the continuance of the war with Mexico, the term of enlistment of the men to be recruited for the regiments of dragoons, artillery, infantry, and riflemen of the present military establishment shall "be during the war" or five years, at the option of the recruit, unless sooner discharged.

SEC. 2. That there shall be allowed and paid to every able-bodied man who shall be duly enlisted to serve in the artillery or infantry for the term of five years or during the war, a bounty of $12; but the payment of $6 of the said bounty shall be deferred until the recruit shall have joined for duty the regiment in which he is to serve.

CHAPTER 8.—Approved, February 11, 1847.—Vol. 9, p. 123.

An Act to raise for a limited time an additional military force, and for other purposes.

3. Additional major to each regiment authorized; whence taken. 4. Additional quartermasters authorized. 5. Discharge on termination of war. 6. Additional surgeons and assistant surgeons. 9. Non-commissioned officers, musicians, and privates, under certain circumstances, to receive a warrant for 160 acres of land. Mode of proceeding in case of death of soldier. Proviso. Proviso: That every person entitled to receive a land-warrant may receive scrip for $100, bearing six per cent. interest. Non-commissioned officers, &c., under certain circumstances, to receive a warrant for 40 acres of land, or $25 in scrip. 10. President to appoint four quartermasters.

That, in addition to the present military establishment of the United States, there shall be raised and organized, under the direction of the President, for and during the war with Mexico, one regiment of dragoons and nine regiments of infantry, each to be composed of the same number and rank of commissioned and non-commissioned officers, buglers, musicians, and privates, &c. as are provided for a regiment of dragoons and infantry, respectively, under existing laws, and who shall receive the same pay, rations, and allowances according to their respective grades, and be subject to the same regulations and to the rules and articles of war: *Provided*, That it shall be lawful for the President of the United States alone to appoint such of the commissioned officers, authorized by this act, below the grade of field officers, as may not be appointed during the present session: *Provided*, That one or more of the regiments of infantry authorized to be raised by this section, may, at the discretion of the President, be organized and equipped as voltigeurs and as foot riflemen, and be provided with a rocket and mountain-howitzer battery.

SEC. 2. That, during the continuance of the war with Mexico, the term of enlistment of the men to be recruited for the regiments authorized by this act shall be during the war, unless sooner discharged.

SEC. 3. That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the senate, to appoint one additional major to each of the regiments of dragoons, artillery, infantry, and riflemen in the army of the United States, who shall be taken from the captains of the army.

SEC. 4. That to each of the regiments of dragoons, artillery, infantry, and riflemen there shall be allowed a regimental quartermaster, to be taken from the subalterns of the line, who shall be allowed ten dollars additional pay per month, and forage for two horses.

SEC. 5. That the said officers, musicians, and privates, authorized by this act, shall immediately be discharged from the

service of the United States at the close of the war with Mexico.[1]

SEC. 6. That it shall and may be lawful for the President of the United States, by and with the advice and consent of the senate, to appoint one surgeon and two assistant surgeons to each regiment raised under this act.

SEC. 7. That, during the war with Mexico, it shall be lawful for the officers composing the councils of administration of the several regiments constituting a brigade, either regular or volunteer, in the service of the United States, to employ some proper person to officiate as chaplain to such brigade, and the person so employed shall, upon the certificate of the commander of the brigade, receive for his services $750, one ration, and forage for one horse, per annum: *Provided*, That the chaplains now attached to the regular army and stationed at different military posts may, at the discretion of the secretary of war, be required to repair to the army in Mexico, whenever a majority of the men at the posts where they are respectively stationed shall have left them for service in the field; and should any of said chaplains refuse or decline to do this, when ordered so to do by the adjutant-general, the office of such chaplain shall be deemed vacant, and the pay and emoluments thereof be stopped.[2]

SEC. 8. That the President be, and he is hereby, authorized, by and with the advice and consent of the senate, to appoint two additional surgeons and twelve additional assistant surgeons in the regular army of the United States,[3] subject to the provisions of an act entitled "An act[4] to increase and regulate the pay of the surgeons and assistant surgeons of the army," approved June 30th, 1834; and that the officers whose appointment is authorized by this section shall receive the pay and allowances of officers of the same grades respectively; and that the rank of the officers of the medical department of the army shall be arranged upon the same basis which at present determines the amount of their pay and emoluments: *Provided*, That the medical officers shall not in virtue of such rank be entitled to command in the line or other staff departments of the army.

SEC. 9. That each non-commissioned officer, musician, or private, enlisted[5] or to be enlisted in the regular army, or regularly mustered in any volunteer company for a period of not less than twelve months, who has served or may serve during the present war with Mexico, and who shall receive an honorable discharge, or who shall have been killed, or died of wounds received or sickness incurred in the course of such service, or who shall have been discharged[6] before the expiration of his term of service in consequence of wounds received or sickness

[1] See 19 July, 1848, chap. 104.
[2] See Art. 4 of the Rules of War.
[3] See note to chap. 42, 3 Aug. 1861.
[4] Chap. 133.
[5] Not to lose theirs by being promoted, 27 May, 1848, chap. 49.
[6] Surgeon's certificate of discharge to be evidence that the disability was incurred in the service: Resolution 24 May, 1848, No. 4.

incurred in the course of such service, shall be entitled to receive[1] a certificate or warrant from the war department for the quantity of one hundred and sixty acres, and which may be located by the warrantee, or his heirs at law, at any land office of the United States, in one body, and in conformity to the legal subdivisions of the public lands, upon any of the public lands in such district then subject to private entry; and upon the return of such certificate or warrant, with evidence of the location thereof having been legally made, to the General Land Office, a patent shall be issued therefor. That in the event of the death of any such non-commissioned officer, musician, or private, during service, or after his discharge, and before the issuing of a certificate or warrant as aforesaid, the said certificate or warrant shall be issued in favor, and inure to the benefit, of his family or relatives, according to the following rules: first, to the widow and to his children; second, his father; third, his mother.[2] And in the event of his children being minors, then the legally-constituted guardian of such minor children shall, in conjunction with such of the children, if any, as may be of full age, upon being duly authorized by the orphans' or other court having probate jurisdiction, have power to sell and dispose of such certificate or warrant for the benefit of those interested. And all sales, mortgages, powers, or other instruments of writing, going to affect the title or claim to any such bounty right, made or executed prior to the issue of such warrant or certificate, shall be null and void to all intents and purposes whatsoever, nor shall such claim to bounty right be in any wise affected by, or charged with, or subject to, the payment of any debt or claim incurred by the soldier prior to the issuing of such certificate or warrant: *Provided*, That no land warrant issued under the provisions of this act shall be laid upon any lands of the United States to which there shall be a pre-emption right, or upon which there shall be an actual settlement and cultivation: *Provided, further*, That every such non-commissioned officer, musician, and private, who may be entitled, under the provisions of this act, to receive a certificate or warrant for one hundred and sixty acres of land, shall be allowed the option to

[1] Holders (not soldiers or volunteers) to pay the register and receiver's fees: see 17 May, 1848, chap. 44.

[2] And to brothers and sisters, by 27 May, 1848, chap. 49.

receive such certificate or warrant, or a treasury scrip[1] for one hundred dollars; and such scrip, whenever it is preferred, shall be issued by the secretary of the treasury to such person or persons as would be authorized to receive such certificates or warrants for lands; said scrip to bear an interest of six per cent. per annum, payable semi-annually, redeemable at the pleasure of the government. And that each private, non-commissioned officer, and musician, who shall have been received into the service of the United States, since the commencement of the war with Mexico, for less than twelve months, and shall have served for such term or until honorably discharged, shall be entitled to receive a warrant for forty acres of land, which may be subject to private entry, or twenty-five dollars in scrip, if preferred; and in the event of the death of such volunteer during his term of service, or after an honorable discharge, but before the passage of this act, then the warrant for such land or scrip shall issue to the wife, child, or children, if there be any, and, if none, then to the father, and, if there be no father, then to the mother, of such deceased volunteer: *Provided*,[2] *That nothing contained in this section shall be construed to give bounty land to such volunteers as were accepted into service, and discharged without being marched to the seat of war.*

SEC. 10. That[3] it shall and may be lawful for the President, by and with the advice and consent of the senate, to appoint, from the officers of the army, four quartermasters of the rank of major, and ten assistant quartermasters with the rank of captain.[4]

[*Approved, February* 11, 1847.]

[1] Chap. 59, 3 March, 1847, vol. 9, p. 183, requires that it shall be the duty of the secretary of the treasury to issue treasury scrip, provided by this section, on the certificate of the secretary of war, showing the claimant entitled thereto, and not otherwise; and that the stock thus issued shall bear interest from the day of presenting to the treasury department such certificate of the secretary of war in due form, &c.

[2] Repealed 22 March, 1853, chap. 19, sec. 4.

[3] See 2 March, 1821, chap. 13, sec. 7.

[4] For further increase, see sec. 3, chap. 42, 3 Aug. 1861, which shows the present organization of the quartermaster-general's department.

CHAPTER 61.—Approved, March 3, 1847.—Vol. 9, p. 184.

An Act making provision for an additional number of general officers, and for other purposes.

1. The ten regiments authorized by the act of 11 February, 1847, chap. 8, to be organized. Major-generals and brigadier-generals to be appointed. Proviso. 2. Three assistant adjutant-generals to be appointed. 6. 1847, chap. 8. How officers shall take rank. 9. Teamsters for the regiments of dragoons, artillery, and mounted riflemen. 10. Lieutenants holding the appointments of adjutant and regimental quartermaster. 1827, chap. 42. 12. Two deputy paymaster-generals and ten paymasters to be appointed. Proviso. 13. Rank of officers of pay department. Proviso. 14. Paymasters of volunteers to be nominated to the senate. 15. Bounty to the regiment of dragoons. 1847, chap. 8. 16. Increase of ordnance department. 17. Brevets to non-commissioned officers. Proviso. 18. Two companies to be added to each of the regiments of artillery. Additional companies of light artillery. 19. Pay of light artillery. 20. Allowance of additional rations for the adjutant-general and the quartermaster-general. 21. Deficient regiments to be consolidated, and supernumerary officers discharged. Proviso. 22. When the officers and forces authorized by this act shall be discharged.

That the President of the United States be, and he is hereby, authorized to organize the ten regiments to be raised by virtue of the act of the eleventh of February, eighteen hundred and forty-seven, into brigades and divisions, either by allotting portions of the same to the brigades and divisions of the regular army or volunteer forces in the service of the United States, and, if the efficiency of the service shall require it, to appoint, by and with the advice and consent of the senate, such number of additional brigadier-generals, not exceeding three, and major-generals, not exceeding two, as the organization of the said forces may require: *Provided,* That each brigade shall consist of not less than three regiments, and each division of not less than two brigades: *And provided, further, That the said general officers shall be immediately discharged from the service of the United States at the close of the war with Mexico.*[1]

SEC. 2.[2] That there shall be added to the adjutant-general's department one assistant adjutant-general, with the rank, pay, and emoluments of a lieutenant-colonel of cavalry, and two assistant adjutants-general, with the brevet rank, pay, and emoluments of a *captain* of cavalry, to be appointed by the

[1] See 19 July, 1848, chap. 104, sec. 1, which repeals all in italics.

[2] The staff in this section is within the 22d section. For further increase, see sec. 3, chap. 42, 3 August, 1861, and sec. 22, chap. 200, 17 July, 1862.

President, by and with the advice and consent of the senate, in the same manner, and be charged with the same duties as those authorized by existing laws.[1]

SEC. 3. That the President be, and he is hereby, authorized to accept the services of such of the volunteers now in Mexico as in his opinion the state of the public service may require, and who may, at the termination of the present term, voluntarily engage to serve during the present war with Mexico, and to organize the same into companies, battalions, and regiments, agreeably to the existing laws, and to commission the officers for the same.

SEC. 4. That in addition to the pay and allowances provided for the volunteers now in the service of the United States, under existing laws, each volunteer who shall re-enter the service under the provisions of this act, in Mexico, immediately after the close of his present term of service, shall be entitled to a bounty of $12, to be paid as soon as the company shall have been duly mustered and received by the mustering and inspecting officer.

SEC. 5. That the President be, and he is hereby, authorized to accept the services of individual volunteers to fill vacancies which may occur by death, discharge, or other cause, in the volunteer regiments or corps now in the service of the United States, or which may be received during the existing war with Mexico.

SEC. 6. That all the officers to be appointed in the ten regiments to be raised and organized under the "Act[2] to raise for a limited time an additional military force, and for other purposes," shall take rank, in case of equal grade, in such manner as the President of the United States may direct, without regard to priority of appointment.

SEC. 7. That to each company of said ten regiments there may be appointed the same number of subaltern officers as are provided by existing laws for the companies of volunteers whose term shall expire as provided in the fifth section of the act[3] of 11 February, 1847.

SEC. 8. That the provisions of the act approved May 13, 1846, entitled "An act[4] to authorize an increase of the rank and file of the army of the United States," be, and the same are hereby, made applicable to the regiment of mounted riflemen authorized by the act of the 9th (19th) of May, 1846.[5]

SEC. 9. That to each regiment of dragoons, artillery, and mounted riflemen, in the regular army, there shall be added one principal teamster, with the rank and compensation of quartermaster-sergeant, and to each company of the same two teamsters, with the compensation of artificers.

[1] By chap. 200, sec. 22, 17 July, 1862, the rank of captain in the adjutant-general's office is abolished, and thereafter all vacancies in the grade of major to be filled from captains in the army.

[2] Chap. 8.

[3] Chap. 8.

[4] Chap. 17, which was repealed by 14 August, 1848, chap. 173.

[5] Chap. 22.

SEC. 10. That the proviso to the second section of the act approved March second, eighteen hundred and twenty-seven, entitled "An act[1] giving further compensation to the captains and subalterns of the army of the United States in certain cases," shall be so interpreted as not to include lieutenants who hold the appointments of adjutant and regimental quartermaster.

SEC. 11. That so much of any army regulation as gives to any sutler a lien upon any part of the pay of the soldiers, or a right to appear at the pay-table to receive the soldier's pay from the paymaster, shall be, and the same is hereby, abrogated; and all regulations extending the rights and privileges of sutlers beyond the rules and articles of war shall be, and hereby are, abrogated.[2]

SEC. 12.[3] That the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the senate, to add to the pay department of the army two deputy paymaster-generals, with the pay and allowances, each, of a deputy[4] quartermaster-general, and ten paymasters, with the pay and allowances, each, of a paymaster[5] of the army; and the officers so appointed shall give such bonds[6] as the President shall, from time to time, direct: *Provided*, That the deputy paymaster-generals shall, in addition to paying troops, superintend the payment of armies in the field.

SEC. 13. That the officers of the pay department shall have rank corresponding with the rank to which their pay and allowances are assimilated: *Provided*, That paymasters shall not in virtue of such rank be entitled to command in the line, or other staff departments of the army: *Provided, also*, That the right to command in the pay department, between officers having the same rank, shall be in favor of the oldest in service in the department, without regard to the date of commission under which they may be acting at the time.

SEC. 14. That all paymasters hereafter to be appointed by the President for the volunteer[7] service of the United States shall be nominated to the senate for confirmation to such office.

[1] Chap. 42, 2 March, 1827.
[2] Repealed by sec. 5, chap. 156, 12 June, 1858, but reinstated by sec. 3, chap. 4, 24 December, 1861; but see chap. 47, July, 1862.
[3] See 2 March, 1849, chap. 80.
[4] Which is that of a major of cavalry, by 2 March, 1821, chap. 13, sec. 1.
[5] Of a major of infantry, 24 April, 1816, chap. 69, sec. 3.
[6] To be renewed every four years, by 2 March, 1849, chap. 80.
[7] By authority of chap. 162, sec. 25, 5 July, 1838.

SEC. 15. That the non-commissioned officers, musicians, and privates of the regiment of dragoons authorized to be raised by an act entitled "An act to raise for a limited time[1] an additional military force, and for other purposes," shall receive the same bounty as is allowed to the non-commissioned officers, musicians, and privates of the other regiments authorized to be raised by said act.

SEC. 16. That the President of the United States be, and is hereby, authorized to add[2] to the ordnance department, whenever he shall deem it expedient to increase the same, two captains and six first lieutenants, who shall be entitled to receive the same pay and allowances as officers of those grades, respectively, now belonging to that department, to be disbanded[3] at the close of the war.

SEC. 17.[4] That when any non-commissioned officer shall distinguish himself, or may have distinguished himself, in the service, the President of the United States shall be, and is hereby, authorized, on the recommendation of the commanding officer of the regiment to which such non-commissioned officer belongs, to attach him by brevet of the lowest grade of rank, with the usual pay and emoluments of such grade, to any corps of the army: *Provided*, That there shall not be more than one so attached to any one company at the same time; and when any private soldier shall so distinguish himself, the President may in like manner grant him a certificate of merit, which shall entitle him to additional pay at the rate of two dollars per month.

SEC. 18. That there shall be added[5] to each of the regiments of artillery two companies, to be organized in the same manner, and who shall receive the like pay and allowances in every respect, as authorized by existing laws; and in addition to the four companies authorized by the act[6] of March second, one thousand eight hundred and twenty-one, to be equipped as light artillery, the President is hereby empowered, when he shall

[1] Chap. 8.
[2] See 2 March, 1821, chap. 13, sec. 4, and 5 April, 1832, chap. 67, and 5 July, 1838, chap. 162, and 19 July, 1848, chap. 104; and sec. 3, chap. 42, 3 August, 1861, for further increase.
[3] See 22d section of this act.
[4] See 4 August, 1854, chap. 247.
[5] See 2 March, 1821, chap. 13, sec. 2, and 17 June, 1850, chap. 20, and sec. 22 of this act.
[6] Chap. 13.

deem it necessary, to designate four other companies, one in each regiment, to be organized and equipped as light artillery; and each regiment of artillery shall be allowed two principal musicians, with the rates of pay provided by law for the principal musicians in the regiments of infantry.

SEC. 19. That the officers and men of the light artillery, when serving as such and mounted, shall receive the same pay and allowances as provided by law for the dragoons.

SEC. 20. That the provisions of the sixth section of the act entitled "An act respecting the organization of the army," &c., approved August twenty-third, one thousand eight hundred and forty-two,[1] which allow additional rations to certain officers of the army, be, and the same are hereby, so extended as to embrace the quartermaster-general and adjutant-general of the army from the date of the act.

SEC. 21. That, for the purpose of avoiding unnecessary expenses in the military establishment including volunteers, the President of the United States be, and he is hereby, authorized, in case of failure in filling the rank and file of any regiment or regiments, to consolidate such deficient regiment or regiments, and discharge all supernumerary officers: *Provided,* That officers so discharged shall be allowed, in addition to the mileage already authorized by law, three months' pay to each.

SEC. 22. That all[2] the officers appointed, and the additional force authorized to be raised, under this act, shall be discharged at the close of the war with Mexico, except the officers of the ordnance authorized by the sixteenth section, and the two companies to each regiment of artillery authorized by the eighteenth section of this act.

[*Approved, March* 3, 1847.]

[1] Chap. 186.

[2] The discharge as to officers named in the 2d section was repealed 19 July, 1848, chap. 104, sec. 3, and the proviso of the 3d section of the act of 1848 was repealed 2 March, 1849, chap. 83, sec. 4, as to the adjutant-general's department; and for increase and organization of the adjutant-general's, quartermaster-general's, ordnance and other departments, see the acts of July, 1862; and again, for new organization of the adjutant-general's office, see chap. 200, 17 July, 1862.

CHAPTER 66.—Approved, March 3, 1847.—Vol. 9, p. 203.

An Act to amend an Act entitled "An Act to provide for the better organization of the department of Indian Affairs," and an Act entitled "An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, and for other purposes.

2. Penalty for introducing into the Indian country and selling spirituous liquors. Indians made competent witnesses. 3. No annuities, moneys, or goods to be distributed to Indians while in a state of intoxication.

SEC. 2. That the twentieth section of the "Act[1] to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, be, and the same is hereby, so amended, that, in addition to the fines thereby imposed, any person who shall sell, exchange, or barter, give, or dispose of, any *spirituous* liquor or wine to an Indian, in the Indian country, or who shall introduce, or attempt to introduce, any *spirituous* liquor or wine into the Indian country, except such supplies as may be necessary for the officers of the United States and the troops of the service, under the direction of the war department, such person, on conviction thereof before the proper district court of the United States, shall in the former case be subject to imprisonment for a period not exceeding two years, and in the latter case not exceeding one year, as shall be prescribed by the court, according to the extent and criminality of the offence. And in all prosecutions arising under this section, and under the twentieth section of the act[2] to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved June thirtieth, eighteen hundred and thirty-four, to which this is an amendment, Indians shall be competent witnesses.

SEC. 3. And no such annuities, or moneys, or goods, shall be paid or distributed to the Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons for the officers or agents, whose duty it may be to make such payments or distribution, for believing that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and head men of the tribe shall have pledged themselves to use all

[1] Chap. 161.
[2] Chap. 161. See act of July, 1862, chap. 24, a substitute for sec. 20 of chap. 161.

their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country.

[*Approved, March* 3, 1847.]

Resolution 5.—Approved, March 2, 1847.—Vol. 9, p. 206.

Resolutions giving the thanks of Congress to Major-General Taylor, and the officers and men under his command in the late military operations at Monterey.

Thanks of Congress tendered to Major-General Taylor, his officers and men.

A gold medal to be struck and presented to General Taylor.

Swords to be presented to Generals Butler, Henderson, Twiggs, Worth, and Quitman.

A sword to be presented to the nearest male relative of General Hamer.

The President to cause the foregoing resolutions to be communicated to General Taylor, and, through him, to the army under his command.

Resolution 7.—Approved, March 3, 1847.—Vol. 9, p. 206.

A Resolution to refund money to the States which have supplied volunteers and furnished them transportation during the present war, before being mustered and received into the service of the United States.

That the secretary of war be, and he is hereby, authorized and required to cause to be refunded to the several states, or to individuals for services rendered acting under the authority of any states, the amount of expenses incurred by them in organizing, subsisting, and[1] transporting volunteers previous to their being mustered and received into the service of the United States for the present war, and for subsisting troops in the service of the United States, without waiting for deductions to be made from the pay of said volunteers.[2]

Chapter 6.—Approved, January 26, 1848.—Vol. 9, p. 210.

An Act to provide clothing for volunteers in the service of the United States.

That in lieu of the money[3] which, under existing laws, is allowed to volunteers as a commutation for clothing, the President be, and he is hereby, authorized to cause the volunteers to be furnished with clothing in kind, at the same rates, according to grades, as is provided for the troops of the regular army

[1] See 2 June, 1848, chap. 60, sec. 1.

[2] All claims under this resolution supposed to have been settled.

[3] $3.50 per month by sec. 6, chap. 29, 18 June, 1846; and see sec. 5, chap. 9, 25 July. 1861.

CHAPTER 8.—Approved, February 2, 1848.—Vol. 9, p. 210.

An Act making further provisions for surviving widows of the soldiers of the revolution.

1. Provision for widows of revolutionary soldiers. Pension to cease on marriage.
2. This act extended to widows who are pensioners by special acts.

That if any person who served in the war of the revolution in the manner specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act[1] supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," *have died*, or shall hereafter die, leaving a widow, whose marriage took place before the first day of January, one thousand seven hundred and ninety-four, such widow shall be entitled to receive, for and during her natural life, from and after the fourth day of March, eighteen hundred[2] and forty-eight, the annuity or pension which might have been allowed to her husband, in virtue of said act, if living at the time it was passed, under the same rules, regulations, and[3] restrictions as are prescribed in the act approved July seventh, eighteen hundred and thirty-eight, entitled "An act granting half pay and pensions to certain widows:"[4] *Provided*, That in the event of the marriage of such widow, such annuity or pension shall be discontinued.

SEC. 2. That such widows as have been admitted by special acts of Congress to the benefit of the pension act, approved the seventh day of July, one thousand eight hundred and thirty-eight, or to the benefit of the act approved the seventeenth of June, one thousand eight hundred and forty-four, shall be entitled and shall be admitted to the benefit of this act; subject, however, to the rules, limitations, and restrictions in and by said acts prescribed.

[1] Chap. 126.
[2] See Res. No. 6, 3 March, 1851.
[3] See Res. No. 13, 1 July, 1848.
[4] Chap. 189, 7 July, 1838; for new pension act, see chap. 166, July, 1862.

CHAPTER 49.—Approved, May 27, 1848.—Vol. 9, p. 232.

An Act explanatory of the Act entitled "An Act to raise, for a limited time, an additional military force, and for other purposes," approved eleventh February, eighteen hundred and forty-seven.

1. Who shall be considered as "relatives," as used in the act of 11 February, 1847, chapter 8, to raise, for a limited time, an additional military force, &c. 2. Benefits of said acts shall not be forfeited by privates who have been promoted. Proviso.

That the term "relatives," as used in the ninth section of the act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved eleventh February, eighteen hundred and forty-seven,[1] shall be considered as extending to the brothers and sisters of those persons whose services, under that act, may have entitled them to the land therein provided: the order or priority of right, however, shall remain as declared in that act; and, those failing, the right shall accrue, fourthly, to the brother or sister, or in equal proportions to the brothers and sisters of the deceased, as the case may be.

SEC. 2. That the benefits of the said act of eleventh February, eighteen hundred and forty-seven,[2] shall not be construed as forfeited by the privates and non-commissioned officers who have been, or may be, promoted to the grade of commissioned officer during their service in Mexico, and who shall have subsequently fulfilled the condition of their engagements: *Provided,* Such promotion shall have been made subsequent to the original organization of the company, corps, or regiment to which such privates and non-commissioned officers may have belonged.

CHAPTER 60.—Approved, June 2, 1848.—Vol. 9, p. 236.

An Act to refund money for expenses incurred, subsistence or transportation furnished, for the use of volunteers during the present war, before being mustered into the service of the United States.[3]

That the provisions of the joint resolution[4] approved March third, eighteen hundred and forty-seven, entitled "A Reso-

[1] Chap. 8.
[2] Chap. 8.
[3] This act related exclusively to the Mexican war.
[4] No. 7.

lution to refund money to the States which have supplied volunteers, and furnished them transportation, during the present war, before being mustered and received into the service of the United States," be, and the same are hereby, extended, so as to embrace all cases of expenses heretofore incurred in organizing, subsisting, and transporting volunteers, previous to their being mustered and received into the service of the United States for the present war, whether by States, counties, corporations, or individuals, either acting with or without the authority of any States: *Provided, however*, That proof shall be made, to the satisfaction of the Secretary of War, of the amount thus expended, and that the same was necessary and proper for the troops aforesaid.

SEC. 2. That an amount sufficient to refund said expenses so incurred be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated.

SEC. 3. That in refunding moneys under this act, and the resolution which it amends, it shall be lawful to pay interest at the rate of six per centum per annum on all sums advance [advanced] by States, corporations, or individuals, in all cases where the State, corporation, or individual paid or lost the interest, or is liable to pay it.

[*Approved, June* 2, 1848.]

[By chap. 71, sec. 2, 26 June, 1848, vol. 9, p. 239, the proviso[1] in the second section of the act of 7 May, 1846, chap. 13, was repealed.]

CHAPTER 99.—Approved, July 10, 1848.—Vol. 9, p. 246.

An Act to extend the provisions of existing pension laws to enlisted men of the ordnance corps of the United States army.

Provisions of all pension laws extended to enlisted men of the ordnance corps; and

SEC. 2. Bounty lands granted to those of them who have served in Mexico.

[1] "That upon a revision of the testimony in the case of the deceased husband, the commissioner shall be satisfied that the pension was properly granted."

CHAPTER 104.—Approved, July 19, 1848.—Vol. 9, p. 247.

An Act to amend an Act entitled "An Act[1] supplemental to an Act entitled 'An[2] Act providing for the prosecution of the existing war between the United States and the republic of Mexico,'" and for other purposes.

That the proviso of the first section of an act, approved 18 June, 1846, in the following words, [for which see chap. 29, *ante*,] be, and the same is hereby, repealed: *Provided*, That no vacancy happening in the grade of general officer shall be filled up until the number is reduced to one major-general and two brigadier-generals.

SEC. 2. That so much of the existing laws[3] as require the discharge at the close of the war with Mexico of one additional major to each of the regiments of dragoons, artillery, infantry, and riflemen in the army of the United States, who were appointed or promoted under the third section of the act[4] passed on the 11th day of February, 1847, entitled "An act to raise, for a limited time, an additional military force, and for other purposes," be, and the same is hereby, repealed.

SEC. 3. That so much of said act passed on the 11th February, 1847,[5] as requires the discharge at the close of the war with Mexico of two additional surgeons and twelve additional assistant surgeons, as authorized by the 8th section of said act, four quartermasters and ten assistant quartermasters, as authorized by the 10th section of said act, and so much of the act of the 3d March, 1847, as[6] requires the discharge at the close of the war with Mexico of an assistant adjutant-general, with the rank, pay, &c. of a lieutenant-colonel of cavalry, and two assistant adjutants-general, with the brevet rank, pay, &c. of a captain of cavalry, as authorized by the second section of the said act of the 3d of March, 1847, and the two deputy paymasters, as authorized by the 12th section of the last-mentioned act, the two principal musicians allowed to each regiment of artillery by the 18th section of the said last-mentioned act, be, and the same is hereby, repealed: *Provided*, That no vacancy happening under the provisions so repealed shall be filled up until further authorized by law: *And provided, further*, That the ten additional paymasters appointed in virtue of the said foregoing act of 3d March, 1847, shall be retained in service until the 4th day of March, 1849.[7]

SEC. 4. That all the officers of the old army who received appointments in any of the additional regiments raised for the war with Mexico shall be restored to their former regiments or corps, and rank as additional officers of the respective grades to which they would have succeeded, and to which they shall now succeed, in virtue of their former commission: *Provided*, That such officers so restored shall be appointed by the President, by and with the advice and consent of the senate: *And provided*, That the next vacancy[8] happening in such grade of such regiment or corps to which they succeed shall not be filled.

SEC. 5. That the officers, non-commissioned officers, musicians, and privates engaged in the military service of the United States in the war with

[1] Chap. 29, 18 June, 1846.
[2] Chap. 16, 13 May, 1846.
[3] Chap. 61, sec. 1, 3 March, 1847.
[4] Chap. 8.
[5] Chap. 8.
[6] Chap. 61.
[7] So much of the proviso to the 3d sec. of this act as relates to the adjutant-general's department is repealed by sec. 4, chap. 83, 2 March, 1849.
[8] This proviso as to vacancy is not to apply to the adjutant-general, by 2 March, 1849, chap. 83.

Mexico, and who served out the term of their engagement, or have been or may be honorably discharged—and first to the widows, second to the children, third to the parents, and fourth to the brothers and sisters of such who have been killed in battle, or who died in service, or who, having been honorably discharged, have since died, or may hereafter die, without receiving the three months' pay herein provided for—shall be entitled to receive three months' extra pay;[1] *Provided*, That this provision of this fifth section shall only apply to those who have been in actual service during the war.

[*Approved, July* 19, 1848.]

CHAPTER 108.—Approved, July 21, 1848.—Vol. 9, p. 249.

An Act amending the Act entitled "An Act granting half pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States," in case of deceased officers and soldiers of the militia and volunteers, passed July fourth, eighteen hundred and thirty-six.

1. Provisions of the act of July 4, 1846, chap. 362, granting half pay to widows or orphans, &c., made applicable to all widows or orphans of officers, soldiers, &c., who were in the army 1 March, 1846, and during the present war with Mexico. 2. Widows and orphans herein provided for to receive the same rate of pensions as is provided for in the above act. Proviso. Proviso. 3. Pensions under this act to be granted under such rules, &c., as the Secretary of War may prescribe.

That the provisions of the first section of the act entitled "An act[2] granting half pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in certain cases, and for other purposes," approved July fourth, eighteen hundred and thirty-six, shall be applicable to all widows and orphans of officers, non-commissioned officers, musicians, and soldiers of the army of the United States, who were in the army of the United States on the first day of March, eighteen hundred and forty-six, or at any subsequent period during the present war between the United States and Mexico.

SEC. 2. That all widows and orphans of officers, non-commissioned officers, musicians, and privates, whether of the regular

[1] To be settled, by Res. No. 9, 29 July, 1848, by pay department, but now by the second auditor of the treasury, by Resolution No. 9, 25 July, 1850.

The proviso in the 3d section was repealed by 2 March, 1849, chap. 83, as to adjutant-general's department, and the medical staff was increased by the 2d section thereof; and the ten additional paymasters seem to be retained by 2 March, 1849, chap. 80.

[2] Chap. 362.

army or of volunteers, who have died since the first day of April, one thousand eight hundred and forty-six, or who may die[1] during the war with Mexico, from wounds received or from disease contracted while in the line of duty, shall be entitled to the same rate of pension as is provided for in the first section of the before-mentioned act, under like limitations and restrictions: *Provided*, Said death has occurred, or may hereafter occur, while said officers, non-commissioned officers, musicians, or privates were in the service of the United States, and in the line of duty; or while returning to their usual place of residence in the United States, after having received a discharge upon a surgeon's certificate[2] for disability incurred from wounds received or disease contracted while in the line of duty, or while on their march to join the army in Mexico: *And provided, further*, That this act shall not be applicable to the widows and orphans of such officers, non-commissioned officers, musicians, or privates, who have not served in Mexico, or at posts or stations on the borders of Mexico; except where such officers, non-commissioned officers, musicians, or privates have died while on their march to join the army in Mexico.

SEC. 3. That all pensions under this act shall be granted under such rules, regulations, restrictions, and limitations as the *Secretary of War*, with the approbation of the President of the United States, may prescribe.

[*Approved, July* 21, 1848.]

CHAPTER 120.—Approved, July 29, 1848.—Vol. 9, p. 265.

An Act for the relief of certain surviving widows of officers and soldiers of the revolutionary army.

1. Certain widows of revolutionary officers and soldiers, &c., to be entitled to a pension of equal amount to that their husbands would be entitled to if living. No widow now receiving a pension to be entitled to a further pension under this act. 2. No mortgage, sale, assignment, &c., of claims under this act to be valid. Rules of evidence.

That the widows of all officers, non-commissioned officers,

[1] Or be discharged, or had remained till death, or have died from wounds or disease: 22 Feb. 1849, chap. 72, and Res. No. 20, 28 Sept. 1850.

[2] Or, if the rolls show the disease, with surgeon-general's certificate, Res. No. 14, 3 March, 1849.

musicians, soldiers, mariners, or marines, and Indian spies, who shall have served in the Continental line, state troops, volunteers, militia, or in the naval service, in the revolutionary war with Great Britain, shall be entitled to a pension, during such widowhood, of equal amount per annum that their husbands would be entitled to, if living, under existing[1] pension laws; to commence on the fourth day of March, eighteen hundred and forty-eight, and to be paid in the same manner that other pensions are paid to widows; but no widow now receiving a pension shall be entitled to receive a further pension under the provisions of this act; and no widow married after the first day of January, one thousand eight hundred, shall be entitled to receive a pension under this act.

SEC. 2. That any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest, in any way granted by this act, shall be utterly void and of no effect, nor shall the annuities or pension granted by this act be liable to attachment, levy, or seizure by any process of law or equity, but shall inure wholly to the personal benefit of the pensioner or annuitant entitled to the same. The same rules of evidence, regulations, and prescriptions shall apply and govern the commissioner of pensions and pension agents under this act as now[2] prevail under existing pension laws which relate to widows of revolutionary officers and soldiers.

[SEC. 3. This act to take effect immediately.]

[*Approved, July* 29, 1848.]

CHAPTER 168.—Approved, August 12, 1848.—Vol. 9, p. 303.

An Act concerning the pay department of the army.

That the paymaster-general be, and he is hereby, authorized to allow any of the paymasters of the army, who shall have been employed in the payment of volunteers, during the late war with Mexico, such a commission, not exceeding one-half of one per centum on all sums disbursed by them as aforesaid, as he shall deem a reasonable compensation for the risk and labor attending such service: *Provided*, That the said commission to any one paymaster shall not exceed $1000 per annum, from the commencement to the close of the war.[3]

[1] 7 June, 1832, chap. 126.
[2] 7 July, 1838, chap. 189; 23 August, 1842, chap. 191; 2 February, 1848, chap. 8.
[3] See chap. 224, 14 July, 1834. This allowance was only during the Mexican war.

SEC. 2. That the said paymaster-general may, in his discretion, allow to any paymaster's clerk, in lieu of the pay now allowed by law, an annual salary of seven hundred dollars.[1]

[*Approved, August* 12, 1848.]

CHAPTER 173.—Approved, August 14, 1848.—Vol. 9, p. 304.

An Act making appropriations for the support of the army, for the year ending the thirtieth of June, one thousand eight hundred and forty-nine.

SEC. 2. That the act entitled "An act[2] to authorize an increase of the rank and file of the army of the United States," approved May 13, 1846, be, and the same is hereby, repealed: *Provided*, That the President of the United States may, by transfer from other regiments, increase the number of privates, of not more than five regiments, to such number as he may think discreet, not exceeding 100 privates to each of the companies of said five regiments.

SEC. 3. That any *more commissioned* [non-commissioned] officer, musician, or private in the regiment of mounted riflemen, who has been in service in Mexico, shall, on application, receive an honorable discharge from the service of the United States, and stand as if they had served out their respective terms: *Provided*, That any vacancy caused by such discharge shall be filled at the discretion of the President of the United States.

CHAPTER 180.—Approved, August 14, 1848.—Vol. 9, p. 332.

An Act in relation to military land warrants.

That any non-commissioned officer, musician, or private, or his widow or heirs, who shall receive and hold in his own right a land warrant, issued by the Government of the United States for military service, may locate the same in *on* legal subdivision, on any public land subject to private entry, taking said land at the price at which the same is subject to private entry, and reckoning the warrant at one dollar and twenty-five cents per acre for the number of acres therein contained, and paying the balance, if any, in money; but no claim shall exist on the government to pay for any balance on said warrant in money.

[1] And one ration per day on duty, by sec. 5, chap. 110, 31 Aug. 1852; and that commuted at 75 cents per day.

[2] Chap. 17.

RESOLUTION 2.—Approved, March 9, 1848.—Vol. 9, p. 333.

Joint Resolution expressive of the thanks of Congress to Major-General Winfield Scott, and the troops under his command, for their distinguished gallantry and good conduct in the campaign of eighteen hundred and forty-seven.

That the thanks of Congress be, and they are hereby, presented to Winfield Scott, major-general, commander-in-chief of the army in Mexico, and, through him, to the officers and men of the regular and volunteer corps under him, for their uniform gallantry and good conduct conspicuously displayed at the siege and capture of the city of Vera Cruz, and Castle of San Juan de Ulloa, March 29, 1847; and in the successive battles of Cerro Gordo, April 19 and 20; and the victories achieved in front of the city of Mexico, September 8, 11, 12, and 13, and the capture of the metropolis, September 14, 1847, in which the Mexican troops, greatly superior in numbers, and with every advantage of position, were in every conflict signally defeated by the American arms.

SEC. 2. That the President of the United States be, and he is hereby, requested to cause to be struck a gold medal, with devices emblematical of the series of brilliant victories achieved by the army, and presented to Major-General Winfield Scott, as a testimony of the high sense entertained by Congress of his valor, skill, and judicious conduct in the memorable campaign of 1847.

SEC. 3. That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major-General Scott, in such terms as he may deem best calculated to give effect to the objects thereof.

RESOLUTION 4.—Approved, March 24, 1848.—Vol. 9, p. 334.

[In all applications for bounty land warrants, the honorable discharge of the applicant predicated on a surgeon's certificate to be deemed sufficient evidence.]

RESOLUTION 7.—Approved, May 9, 1848.—Vol. 9, p. 334.

Joint Resolution of thanks to Major-General Taylor.

That the thanks of Congress are due, and they are hereby tendered, to Major-General Zachary Taylor, and, through him, to the officers and soldiers of the regular army, and of the volunteers under his command, for their valor, skill, and good conduct conspicuously displayed on the 22d and 23d days of February last, in the battle of Buena Vista, in defeating a Mexican army of more than four times their number, consisting of chosen troops, under their favorite commander, General Santa Anna.

That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to Major-General Zachary Taylor, as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major-General Taylor, in such terms as he may deem best calculated to give effect to the object thereof.

[*Approved, May* 9, 1848.]

RESOLUTION 8.—Approved, June 16, 1848.—Vol. 9, p. 335.

Joint Resolution in relation to the transportation and discharge of the military forces of the United States at the close of the war with Mexico.

That on the restoration of peace with Mexico, by a treaty of peace duly ratified and proclaimed, all the military forces of the United States, whether volunteers, regulars, or the marine corps, who by law or the terms of their engagement are to be discharged at the close of the war, shall, under the direction of the President of the United States, be transported or marched, with the least practicable delay, to such posts or places in the United States as may be least expensive and most convenient to the troops; and at such places they shall be discharged from the service of the United States; and that until they shall respectively reach such places and be discharged, the officers and men shall be considered, paid, and treated as in the service of the United States, in the same manner as if the war had not closed.

RESOLUTION 9.—Approved, June 16, 1848.—Vol. 9, p. 335.

Joint Resolution providing for payment of the regiment of Texas mounted troops called into the service of the United States, under the requisition of Colonel Curtis, in the year eighteen hundred and forty-seven, and for other purposes.

That the Secretary of War be, and he is hereby, authorized and required to cause to be paid, out of any unexpended appropriations for the prosecution of the war between the United States of America and the Republic of Mexico, the regiment of Texas mounted troops which was mustered into the service of the United States for six months, under the requisition of Colonel Curtis, in the year 1847, and discharged before joining the army, the pay and allowances of mounted men, from the time the several companies thereof arrived at San Antonio, the place of rendezvous, until they were mustered out of service, and the usual pay and travelling allowances from the time they left their homes until they reached San Antonio, and from the places where they were mustered out of service until they reached their homes; and the companies of Captains Smith and Hill, until they refused to be mustered out of service, or were disbanded by their respective captains; and also that he cause to be paid to the said regiment the full value of all horses which he shall be satisfied were lost by them for want of forage, during the periods herein specified: *Provided*, That nothing in the act approved 2 March, 1847, entitled "An act[1] to amend an act to provide for the payment of horses and other property lost and destroyed in the

[1] Chap. 30.

military service of the United States," approved 18 January, 1837, shall be construed to revive the proviso to the second section of the act approved the 15th of June, 1844, entitled "An act[1] making an appropriation for the payment of horses lost by the Missouri volunteers in the Florida war:" *Provided, also,* That all horses belonging to volunteers, which were lost in the Gulf of Mexico, since the 13th May, 1846, by being thrown overboard or otherwise, shall be paid for in the same manner as is provided for the payment of other lost horses in this act.

[*Approved, June* 16, 1848.]

RESOLUTION 13.—Approved, July 1, 1848.—Vol. 9, p. 336.

Joint Resolution relative to evidence in application for pensions.

That in all cases where a pension may have been granted to any officer or soldier of the Revolution in his lifetime, the evidence upon which such pension was granted shall be conclusive of the service of such officer or soldier in the application of any widow, or woman who may have been the widow, of such officer or soldier, for a pension; and upon proof by her that she was married to any such officer or soldier prior to January first, seventeen hundred and ninety-four, and that she is a widow, she shall thereupon be placed upon the pension rolls at the same rate that such officer or soldier received during his lifetime.[2]

[By resolution 20, July 29, 1848, vol. 9, p. 339, the three months' extra pay allowed by the act of July 19, 1848, sec. 5, to officers and soldiers who served in Mexico, to be settled by the pay department of the army.[3]]

RESOLUTION 24.—Approved, August 10, 1848.—Vol. 9, p. 340.

Joint Resolution concerning certain portions of the marine and ordnance corps.

That the officers, non-commissioned officers, privates, and musicians of the marine corps, who have served with the army in the war with Mexico, and also the artificers and laborers of the ordnance corps serving in said war, be placed, in all respects as to bounty land and other remuneration,[4] in addition to ordinary pay, on a footing with the officers, non-commissioned officers, privates, and musicians of the army: *Provided,* That this remuneration shall be in lieu of prize-money and all other extra allowances.

[1] Chap. 73.
[2] See chap. 189, 7 July, 1838, and chap. 8, 2 Feb. 1848.
[3] But by Res. 9, 25 July, 1850, to be settled by second auditor of the treasury.
[4] By 5 July, 1838, chap. 162, and 2 March, 1837, chap. 21.

CHAPTER 62.—Approved, February 22, 1849.—Vol. 9, p. 347.

An Act granting five years' half pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regulars and volunteers.

That the provisions of the second section of the act entitled "An act[1] amending the act entitled 'An act granting half pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States,' in cases of deceased officers and soldiers of the militia and volunteers," approved July twenty-first, eighteen hundred and forty-eight, shall be so construed as to embrace all widows and orphans of officers, non-commissioned officers, musicians, and privates, whether of the regular army or[2] of volunteers, who have received an honorable discharge, or[3] who remained to the date of their death in the military service of the United States, and who have died, since their return to their usual place of residence, of wounds received or from disease contracted while in line of duty, subject to such rules, regulations, and restrictions as the secretary of war, by the third section of said act, is authorized to impose.

CHAPTER 79.—Approved, March 2, 1849.—Vol. 9, p. 349.

An Act to allow subsistence to certain Arkansas and other volunteers, who have been prisoners of war in Mexico.[4]

That the proper accounting officers of the army of the United States be, and they are hereby, required to pay, in money, to each volunteer of the Arkansas regiment, and to each volunteer of any other corps that has been in the military service of the United States, who has been a prisoner of war in Mexico, the sum of forty cents a day, in lieu of subsistence, during the whole time of his imprisonment.

SEC. 2. That the benefits provided by the first section of this act extend to the legal representatives of said volunteers.

SEC. 3. That the same evidence as is now required to establish the fact of ordinary service shall be sufficient to establish the fact of imprisonment, and to authorize and require said accounting officers to make the payments provided by the first section of this act, upon application of said volunteer, his authorized agent, or legal representative.

[1] Chapter 108.

[2] Or the militia of the war of 1812, or the Indian wars since 1790. See 3 Feb. 1853, chap. 41.

[3] Extended to the widows of those who died in the service in Mexico, or going or returning, &c., 28 Sept. 1850, or who were in the army 1 March, 1846, or since.

[4] It is supposed that all these claims have been paid.

CHAPTER 80.—Approved, March 2, 1849.—Vol. 9, p. 350.

An Act concerning the pay department of the army.

That the pay department of the army shall consist of a paymaster-general, who shall have the rank of colonel, and the same pay and allowances as are at present provided by law,[1] and the same tenure of office as the heads of other disbursing departments of the army; two deputy paymasters-general, with the same rank, pay, and allowances[2] as are now provided by law for such officers, and the same tenure of office as officers of like grade in other disbursing departments of the army; and twenty-five paymasters, with the same rank, pay, and allowances[3] as are now provided by law for such officers, and the same tenure of office as officers of like grade in other disbursing departments of the army. That it shall be the duty of all disbursing officers of the pay department to renew their bonds, or furnish additional security, at least once in four years, or as much oftener as the President may direct. That the officers of the pay department, provided for by the first section of this act, shall consist of the paymaster-general, the two deputy paymasters-general now in commission, the fifteen paymasters who were in service under the acts in force at the commencement of the war with Mexico, and ten paymasters to be selected from the additional paymasters now in service, and the thirteen paymasters authorized by the acts of the seventeenth of June, eighteen hundred and forty-six,[4] and the third of March, eighteen hundred and forty-seven.[5]

CHAPTER 83.—Approved, March 2, 1849.—Vol. 9, p. 351.

An Act to provide for an increase of the medical staff, and for an additional number of chaplains of the army of the United States.

3. Appointment of ten additional chaplains authorized. 4. Judge-advocate of the army; appointment of, authorized.

That so much of section third of an act entitled "An act[6] to amend an

[1] Salary $2500 by act 24 April, 1816, chap. 69, $2740 by 21 Feb. 1857, chap. 55.
[2] As lieutenant-colonel of cavalry. [3] Major of cavalry.
[4] Chap. 28. [5] Chap. 61. [6] Chap. 104.

act entitled An act[1] supplemental to an act entitled An act[2] providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes," approved July 19, 1848, as prevents the filling of vacancies in the medical department of the army until further authorized by law, be, and the same is hereby, repealed.

SEC. 2. That the medical staff of the army be increased by the addition of ten assistant surgeons,[3] to be appointed as provided by existing laws, and the regulations made under them.

SEC. 3. That the provisions of the act of eighteen hundred and thirty-eight[4] be, and hereby are, extended so as to authorize the employment of ten additional chaplains for military posts of the United States.

SEC. 4. That the President be, and he is hereby, authorized, by and with the advice and consent of the senate, to appoint a suitable person as judge-advocate for[5] the army, to be taken from the captains in the army, who shall have the brevet rank, pay, and emoluments of a major of cavalry; *and that so much of the proviso to the third section of the act*[6] *approved July nineteenth, eighteen hundred and forty-eight, as relates to officers of the adjutant-general's department, be, and the same is hereby, repealed.*

[*Approved, March* 2, 1849.]

CHAPTER 101.—By Sec. 2, March 3, 1849.—Vol. 9, p. 370.

The military storekeeper at Watertown arsenal, Massachusetts, be allowed, from the 1st day of October, 1842, the *the* same compensation as is authorized by the Act[7] of the 23d August, 1842, to be paid to the storekeepers at the Washington, Pittsburg, and Watervliet arsenals; and that there be paid to military storekeeper T. A. Webber $20 per month, for and during the time he has performed the duties of commissary and assistant commissary of subsistence at said arsenal.

SEC. 3. And every non-commissioned officer, musician, or private, in the company of sappers and miners, and pontoniers, raised by the act[8] of May 9th, 1848, who served in said company in the war with Mexico, shall, on application, be entitled to receive an honorable discharge from the service of the United States, and stand as if they had served out their respective terms.

[1] Chap. 29, 18 June, 1846. [2] Chap. 16, 13 May, 1846.

[3] See for further increase sec. 2, chap. 125, 16 Aug. 1856, and chap. 55, 16 April, 1862, and chap. 127, 2 July, 1862.

[4] 7 July, 1838, chap. 194.

[5] In cases of general court-martial, the President may appoint: 16 March, 1802, chap. 9, sec. 21; and see act 3 March, 1797, chap. 16, vol. 1, p. 508.

For judge advocate-general and judges-advocate, see chap. 201, secs. 6 and 7, 17 July, 1862.

[6] Chap. 104. [7] Chap. 186. [8] Chap. 21.

CHAPTER 126.—Approved, March 3, 1849.—Vol. 9, p. 412.

An Act to provide for the settlement of the accounts of public officers and others who may have received moneys arising from military contributions, or otherwise, in Mexico.[1]

SEC. 2. That where an officer has had the supervision of the collection of the military contributions at any of the ports in Mexico, and has, at the same time, exercised civil functions, under the temporary government there established, or where *and* officer or other person shall have performed the duties of collectors at such ports, such officer or person shall be allowed a compensation which shall be assimilated in amount, as nearly as may be, including the regular pay and emoluments of such officer, to that allowed by existing laws to officers of the customs in the United States where the services are similar in amount and importance; such allowance, in all cases, to be determined by the President of the United States. And all officers of the army and other persons in public employment, who have received payment for their services in collecting, keeping, or accounting for said moneys, and for other necessary services, are authorized to retain so much of the amounts so received as, in the opinion of the President of the United States, may be a fair compensation for said services.

CHAPTER 129.—Approved, March 3, 1849.—Vol. 9, p 414.

An Act[2] *to provide for the payment of horses and other property lost or destroyed in the military service of the United States.*

1. Payment for horses and other property lost or destroyed in the military service of the United States provided for. Proviso. Proviso. 2. Payment provided for horses, mules, oxen, wagons, carts, &c., captured or destroyed by the enemy. Proviso. 3. Claims provided for under this act, to be adjusted by third auditor of the treasury. 4. Adjudications upon claims to be recorded by third auditor, and, when favorable, to be paid at the treasury upon his certificate. 5. Parents or guardians to be allowed for lost horses, &c., provided for minors. 6. When persons other than minors have been provided with horses, &c., the owners to be paid. 7. Horses condemned as unfit for service, in consequence of want of forage, to be paid for.

That any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalry, engaged in the military service of the United States since the eighteenth of June, eighteen hundred and twelve, or who shall hereafter be in said service, and has sustained, or shall sustain, damage, without any fault

[1] All these accounts are presumed to be settled.

[2] This act supersedes all the expired acts on the same subject of 9 April, 1816, chap. 40, vol. 3, p. 261,—3 March, 1817, chap. 110, vol. 3, p. 397,—3 March, 1825, chap. 66, vol. 4, p. 123,—20 April, 1818, chap. 124, vol. 3, p. 456,—19 Feb. 1833, chap. 33, vol. 3, p. 613,—3 June, 1834, chap. 153,—18 Jan. 1837, chap. 5, vol. 5, p. 142,—14 Oct. 1837, chap. 5, vol. 5, p. 204, and 2 March, 1847, chap. 39, vol. 6, p. 154, none of which are inserted in this compilation.

or negligence on his part, while in said service, by the loss of a horse in battle, or by the loss of a horse wounded in battle, and which has died or shall die of said wound, or, being so wounded, shall be abandoned by order of his officer and lost, or shall sustain damage by the loss of any horse by death or abandonment because of the unavoidable dangers of the sea when on board an United States transport vessel, or because the United States failed to supply transportation for the horse, and the owner was compelled by the order of his commanding officer to embark and leave him, or in consequence of the United States failing to supply sufficient forage, or because the rider was dismounted and separated from his horse and ordered to do duty on foot at a station detached from his horse, or when the officer in the immediate command ordered, or shall order, the horse turned out to graze in the woods, prairies, or commons, because the United States failed, or shall fail, to supply sufficient forage, and the loss was or shall be consequent thereof, or for the loss of necessary equipage, in consequence of the loss of his horse, as aforesaid, shall be allowed and paid the value thereof, not to exceed two hundred dollars: *Provided*, That if any payment has been, or shall be, made to any one aforesaid, for the use and risk, or for forage after the death, loss, or abandonment of his horse, said payment shall be deducted from the value thereof, unless he satisfied, or shall satisfy, the paymaster at the time he made, or shall make, the payment, or thereafter show, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot: *And provided, also*, If any payment shall have been, or shall hereafter be, made to any person above mentioned, on account of clothing to which he was not entitled by law, such payment shall be deducted from the value of his horse or accoutrements.

SEC. 2. That any person who has sustained, or shall sustain, damage by the capture or destruction by an enemy or by the abandonment or destruction by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner; and any person who has sustained, or shall sus-

tain, damage by the death or abandonment and loss of any such horse, mule, or ox, while in the service aforesaid, in consequence of the failure on the part of the United States to furnish the same with sufficient forage, and any person who has lost or shall lose, or has had or shall have destroyed by unavoidable accident, any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the service aforesaid, shall be allowed and paid the value thereof at the time he entered the service: *Provided*, It shall appear that such loss, capture, abandonment, destruction, or death, was without any fault or negligence on the part of the owner of the property, and while it was actually employed in the service of the United States.

SEC. 3. That the claims provided for under this act shall be adjusted by the third auditor, under such rules as shall be prescribed by the secretary of war, under the direction or with the assent of the President of the United States, as well in regard to the receipt of applications of claimants as the species and degree of evidence, the manner in which such evidence shall be taken and authenticated, which rules shall be such as in the opinion of the President shall be best calculated to obtain the object of this act, paying a due regard as well to the claims of individuals' justice as to the interest of the United States; which rules and regulations shall be published for four weeks in such newspapers, in which the laws of the United States are published, as the secretary of war shall direct.

SEC. 4. That *in* all adjudications of said auditor upon the claims above mentioned, whether such judgments be in favor of or adverse to the claim, shall be entered in a book provided by him for that purpose, and under his direction; and when such judgments shall be in favor of such claim, the claimant or his legal representative shall be entitled to the amount thereof, upon the production of a copy thereof, certified by said auditor, at the treasury of the United States.

SEC. 5. That in all instances where any minor has been, or shall be, engaged in the military service of the United States, and was, or shall be, provided with a horse or equipments, or with military accoutrement, by his parent or guardian, and has died, or shall die, without paying for said property, and the same has been, or shall be, lost, captured, destroyed, or abandoned in the manner before mentioned, said parent or guar-

dian shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto by having furnished the same.

SEC. 6. That in all instances where any person other than a minor has been, or shall be, engaged in the military service aforesaid, and has been, or shall be, provided with a horse or equipments, or with military accoutrements, by any person, the owner thereof, who has risked, or shall take the risk of such horse, equipments, or military accoutrements on himself, and the same has been, or shall be, lost, captured, destroyed, or abandoned in the manner before mentioned, such owner shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto, by having furnished the same, and having taken the risk on himself.

SEC. 7. That in all cases where horses have been condemned by a board of officers, on account of their unfitness for service, in consequence of the government failing to supply forage, all such horses and their equipage shall be allowed and paid for, whenever the facts shall be proven, by legal and satisfactory evidence, whether oral or written, that such condemned horse and the equipage was turned over to a quartermaster of the army, whether any receipt therefor was given and produced or not.

[*Approved, March* 3, 1849.]

[By resolution 12, 2 March, 1849, vol. 9, p. 418, the Secretary of War authorized to furnish arms and ammunition to emigrants to California. Provisoes.]

RESOLUTION 14.—Approved, March 3, 1849.—Vol. 9, p. 418.

Joint Resolution relative to evidence in applications for pensions by widows of deceased soldiers, under the act of July twenty-first, eighteen hundred and forty-eight.

That in all applications for pensions by the widows of deceased soldiers under the act of July twenty-first, eighteen hundred and forty-eight,[1] the returns on the rolls of the dis-

[1] Chapter 108.

ease of which the soldier died, and the official opinion of the surgeon-general founded thereon, that from the nature of the disease it was contracted while the soldier was in the line of his duty, shall be considered satisfactory evidence thereof, without the proof now required at the Pension Office; and that it shall be the duty of the Commissioner of Pensions, in all cases of application for pensions under said act, to apply to the proper officers for said evidence, without requiring the applicant to furnish the same.

[*Approved, March* 3, 1849.]

CHAPTER 20.—Approved, June 17, 1850.—Vol. 9, p. 438.

An Act to increase the rank and file of the army, and to encourage enlistments.

1. Each company of artillery to consist of a specified number. 2. Increase of privates by voluntary enlistment, authorized. Proviso.

That hereafter each company[1] of artillery designated and serving as light artillery shall, during such service, consist of the commissioned officers as now provided by law, and of four sergeants, four corporals, two artificers, two musicians, and sixty-four privates.

SEC. 2. That the President of the United States be, and he is hereby, authorized, by voluntary enlistment, to increase the number of privates in each or any of the companies of the existing regiments of the army, at present serving, or which may hereafter serve, at the several military posts on the western frontier, and[2] at remote and distant stations, to any number not exceeding seventy-four, and to cause such portions of the army as may, by law, be serving on foot, to be properly equipped and mounted whenever, in his opinion, the exigency of the public service may require the same: *Provided*, That the said enlistments shall be for the term of five years, unless sooner discharged.

[1] See 2 March, 1821, chap. 13, and 3 March, 1847, chap. 61.

[2] This has been done in the companies serving in Texas, California, New Mexico, and Oregon, and some western forts. See notes to Army Register.

SEC. 3.[1] That whenever enlistments are made at, or in the vicinity of, the said military posts, and remote and distant stations, a bounty equal in amount to the cost of transporting and subsisting a soldier from the principal recruiting depot in the harbor of New York, to the place of such enlistment, be, and the same is hereby, allowed to each recruit so enlisted, to be paid in unequal instalments at the end of each year's service, so that the several amounts shall annually increase, and the largest be paid at the expiration of each enlistment.

[*Approved, June* 17, 1850.]

CHAPTER 54.—Approved, September 16, 1850.—Vol. 9, p. 459.

An Act making appropriations for the support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and fifty-one.

SEC. 1. *For forage of officers' horses, &c. Provided,* That hereafter, in lieu of the pay proper, ordinary rations, forage, and servants heretofore received under the provisions of the act of April 12, [29,] 1812,[2] the professors of engineers, philosophy, mathematics, ethics, and chemistry shall be entitled to receive $2000 dollars, each, per annum; and the professors of drawing and French, $1500, each, per annum.

CHAPTER 70.—Approved, September 26, 1850.—Vol. 9, p. 469.

An Act to increase the commissariat of the United States army.

That there be added[3] to the subsistence department four commissaries of subsistence, with the rank of captain, to be taken from the line of the army.

SEC. 2. That the senior aid-de-camp of the major-general commanding the army may be taken from the captains or majors of the army, and shall be allowed the pay and emoluments of a major[4] of cavalry.

[1] This sec. repealed by sec. 9, chap. 42, 3 August, 1861.

[2] Chap. 72; and see chap. 22, 3 March, 1851, which is a substitute for this section. The compensation of all professors is now made $2240 per annum.

[3] See 2 March, 1821, chap. 13, sec. 8, and note; for further increase, see sec. 2, chap. 42, 3 August, 1861.

[4] See 12 April, 1808, chap. 43, sec. 4, and 21 Feb. 1857, sec. 1.

CHAPTER 78.—Approved, September 28, 1850.—Vol. 9, p. 504.

An Act making appropriations for the support of the army for the year ending the thirtieth of June, one thousand eight hundred and fifty-one.

1. Pay of superintendent of military academy. 3. Moneys arising from sales of subsistence, &c., not to be subject to act 3 March, 1849.

For pay of the army, &c. *Provided*, That the pay and emoluments of the superintendent of the United States Military Academy shall in no case be less than the pay and emoluments of the professor of natural and experimental philosophy.[1]

SEC. 2. For current expenses of the ordnance service: *Provided*, That the principal assistant in the ordnance bureau of the war department shall receive a compensation not less than that of the person employed at the foundries, under the fifth section of the act approved 23d of August, 1842, from and after the date thereof.

For extra pay to the commissioned officers and enlisted men of the army of the United States, serving in Oregon or California, $325,854, on the following basis, to wit: that there shall be allowed to each commissioned officer as aforesaid, whilst serving as aforesaid, a per diem, in addition to their regular pay and allowances, of $2 each, and to each enlisted man as aforesaid, whilst serving as aforesaid, a per diem, in addition to their present pay and allowances, equal to the pay proper of each as established by existing laws, said extra pay of the enlisted men to be retained until honorably discharged. This additional pay to continue until the 1st of March, 1852, or until otherwise provided.[2]

SEC. 3. That the moneys which may be received by the proper officers of the army for the sales of subsistence, military stores, and other supplies, be, and they are hereby, exempted from the operation of the act of the third of March, eighteen hundred and forty-nine, entitled "An act[3] requiring all moneys received from the customs, and all other sources, to be paid into the treasury without abatement or reduction."

SEC. 4. That the military storekeeper at Little Rock arsenal, Arkansas, be allowed, from the 1st day of October, 1842, to the 25th day of October, 1849, the same compensation as is authorized by the act of the 23d of August, 1842,[4] to be paid to the storekeepers at the Washington, Pittsburg, and Watervliet arsenals.

SEC. 5. That it shall be the duty of the secretary of war to order the discharge of any soldier of the army of the United States, who at the time of his enlistment was under the age of twenty-one years, upon evidence being produced to him that such enlistment was without the consent of his parent or guardian.[5]

[1] $2000 per annum.
[2] See chap. 98, sec. 6, 1853.
[3] Chap. 110, 3 March, 1849, vol. 9, p. 396.
[4] Chap. 186; and for Watertown, see chap. 101, 3 March, 1849.
[5] Repealed by sec. 2, chap. 25, 13 February, 1862, *post.*

CHAPTER 85.—Approved, September 28, 1850.—Vol. 9, p. 520.

An Act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States.

That each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or[1] militia, who performed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared by the United States, on the eighteenth day of June, eighteen hundred and twelve, or in any of the Indian wars since seventeen hundred and ninety, and each of the commissioned officers who was engaged in the military service of the United States in the late war with Mexico, shall be entitled to lands, as follows: Those[2] who engage to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty acres: *Provided*, That wherever any officer or soldier was honorably discharged in consequence of disability in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve: *Provided*, The person so having been in service shall not receive said land, nor any part thereof, if it shall appear, by the muster rolls of his regiment or corps, that he deserted, or was dishonorably discharged from service, or if he has received, or is entitled to, any military land bounty under any act of Congress heretofore passed.

SEC. 2. That the period during which any officer or soldier may have remained in captivity with the enemy shall be estimated and added to the period of his actual service, and the person so detained in captivity shall receive land under the provisions of this act in the same manner that he would be entitled in case he had entered the service for the whole term made up

[1] Or state troops paid by United States after June 18, 1812, by act 22 March, 1852, chap. 19, sec. 4.

[2] See same act, sec. 5, for a new mode of estimate.

by the addition of the time of his captivity, and had served during such time.

SEC. 3. That each commissioned and non-commissioned officer, musician, or private, for whom provision is made by the first section hereof, shall receive a certificate or warrant from the Department of the Interior for the quantity of land to which he may be entitled, and which may be located by the warrantee or his heirs at law at any land office of the United States, in one body and in conformity to the legal subdivisions of the public lands, upon any of the public lands[1] in such district then subject to private entry; and upon the return of such certificate or warrant, with evidence of the location thereof having been legally made, to the general land office, a patent shall be issued therefor. In the event of the death of any commissioned or non-commissioned officer, musician, or private, prior or subsequent to the passage of this act, who shall have served as aforesaid, and who shall not have received bounty land for said services, a like certificate or warrant shall be issued in favor and inure to the benefit of his widow,[2] who shall receive one hundred and sixty acres of land in case her husband was killed in battle, but not to her heirs: *Provided,* She is unmarried at the date of her application. *Provided, further,* That no land warrant issued under the provisions of this act shall be laid upon any land of the United States to which there shall be a pre-emption right, or upon which there shall be an actual settlement and cultivation, except with the consent of such settler, to be satisfactorily proven to the proper land officer.

SEC. 4. That all sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant or certificate issued, or to be issued, or any land granted, or to be granted, under the provisions of this act, made or executed prior to the issue, shall be null and void[3] to all intents and purposes whatsoever; nor shall such certificate or warrant, or the land obtained thereby, be in any wise affected by, or charged with, or subject to, the payment of any debt or claim incurred by such officer or soldier prior to the issuing of the patent: *Provided,*[4] *That the benefits of this act shall not*

[1] Not heretofore brought into market: 3 March, 1851, chap. 32, sec. 1.
[2] See 5 August, 1854, sec. 3.
[3] But see 22 March, 1852, chap. 19, sec. 1.
[4] Proviso repealed by act 4 Aug. 1854, chap. 248, and 5 Aug. 1854, chap. 273.

accrue to any person who is a member of the present Congress: Provided, further, That it shall be the duty of the commissioner of the general land office, under such regulations as may be prescribed by the secretary of the interior, to cause to be located, free[1] of expense, any warrant which the holder may transmit to the general land office for that purpose in such state and land district as the said holder or warrantee may designate, and upon good farming land, so far as the same can be ascertained from the maps, plats, and field-notes of the surveyor, or from any other information in the possession of the local office; and, upon the location being made as aforesaid, the secretary shall cause a patent to be transmitted to such warrantee: *And provided, further,* That no patent issued under this act shall be delivered upon any power of attorney or agreement dated before the passage of this act, and that all such powers of attorney or agreements be considered and treated as null and void.

[*Approved, September* 28, 1850.]

RESOLUTION 9.—Approved, July 29, 1850.—Vol. 9, p. 562.

A Resolution for restoring the settlement of the "three months' extra pay" claims to the accounting officer of the treasury.

That, from and after the passage of this act, the unsettled claims of the officers, non-commissioned officers, musicians, and privates for three months' extra pay for services in the war with Mexico, as provided for by the fifth section of the act approved July 19, 1848, chapter 104, which, by a joint resolution of Congress, approved July 29, 1848,[2] it was made the duty of the pay department of the army to settle under such regulations as the paymaster-general, with the approval of the secretary of war, shall establish, be, and the same are hereby, directed to be settled by the second auditor and certified by the second comptroller of the treasury. That all muster and pay rolls, and all other papers relating to said claims on file in the paymaster-general's office, be transferred to the second auditor's office, and that the settlements made by the pay department, under the joint resolution[2] approved the 29th day of July, 1848, be considered as valid as if they had been made by the accounting officers of the treasury.[3]

[1] But see 22 March, 1852, chap. 19, sec. 1.
[2] See Resolution No. 20.
[3] All these claims, it is presumed, have been paid.

Resolution 20.—Approved, September 28, 1850.—Vol. 9, p. 564.

Joint Resolution explanatory of certain acts therein mentioned.

That the provisions of the second section of the act entitled "An act amending the act entitled 'An act[1] granting half pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States,'" approved July twenty-one, eighteen hundred and forty-eight, extended by the act[2] of February twenty-two, eighteen hundred and forty-nine, shall be construed to embrace the widows and orphans of all persons designated therein who died while in actual service in the late war with Mexico, or in going to and returning from the same; and also to the widows and orphans of all such persons as, having been honorably discharged, or having resigned, shall have died after the passage of said last-mentioned act, or who may hereafter die, of wounds received or from disease contracted while in said service: *Provided*, That the army rolls showing the death of any of said persons in the army shall be sufficient evidence to establish that fact.

Chapter 22.—Approved, March 3, 1851.—Vol. 9, p. 593.

An Act making appropriations for the support of the Military Academy for the year ending thirtieth of June, eighteen hundred and fifty-two.

That hereafter, in lieu of the pay proper, ordinary rations, forage, and servants, heretofore received under the provisions of the act of April twelfth, [twenty-ninth,] eighteen hundred and twelve,[3] the professors of engineers, philosophy, mathematics, ethics, and chemistry shall be entitled to receive *two thousand dollars*,[4] each, per annum, and the *professors of drawing and*[5] *French, fifteen hundred dollars, each*,[6] per annum; and that the adjutant of the Military Academy shall hereafter be entitled to receive the *same pay and allowances as an adjutant of a regiment of dragoons*.[7]

[1] Chap. 108. [2] Chap. 62. [3] Chap. 72.
[4] All professors now receive $2240 per annum.
[5] Established 28 Feb. 1803, chap. 13, sec. 2, and made professors by 8 Aug. 1846, chap. 96.
[6] Same salary as the other professors: 3 March, 1855, chap. 208.
[7] See act of 1812, chap. 72, and 1850, chap. 54.

CHAPTER 25.—Approved, March 3, 1851.—Vol. 9, p. 595.

An Act to found a military asylum for the relief and support of invalid and disabled soldiers of the army of the United States.[1]

That all soldiers of the army of the United States, and all soldiers who have been, or may hereafter be, of the army of the United States, whether regulars or volunteers, and who have contributed, or may hereafter contribute, according to section seven of this act, to the support of the military asylum hereby created, shall, under the restrictions and provisions which follow, be members of the said asylum, with all the rights annexed thereto.

SEC. 2. That, for the good government and attainment of the objects proposed by the institution aforesaid, the general-in-chief commanding the army, the generals commanding the eastern and western geographical military divisions, the quartermaster-general, the commissary-general of subsistence, the paymaster-general, the surgeon-general, and the adjutant-general, shall be, *ex officio*, commissioners of the same, constituting a board of commissioners, a majority of whom shall have power to establish, from time to time, regulations for the general and internal direction of the institution, to be submitted to the secretary of war for approval, and may do any other act or acts necessary for the government and interests of the same, as authorized herein.

SEC. 3. That the officers of the institution shall consist of a governor, a deputy governor, and a secretary, for each separate site of the asylum, the latter to be also treasurer; and the said officers shall be taken from the army, and appointed or removed, from time to time, as the interests of the institution may require, by the secretary of war, on the recommendation of the board of commissioners.

SEC. 4. That the following persons, members of the army asylum, according to section one, shall be entitled to the rights and benefits herein conferred, and no others, viz.: every soldier of the army of the United States who shall have served, or may serve, honestly and faithfully twenty years in the same, and

1 The military asylums at Washington and Harrodsburg were established under this act: the latter was ordered to be abolished by 3 March, 1857, sec. 10. For material changes in this act, see chap. 83, 3 March, 1859, sec. 4, 5, 6, and 7.

every soldier, and every discharged soldier, whether regular or volunteer,[1] who shall have suffered by reason of disease or wounds incurred in the service and in the line of his duty, rendering him incapable of further military service, if such disability has not been occasioned by his own misconduct: *Provided*, That no deserter, mutineer, or habitual drunkard shall be received without such evidence of subsequent service, good conduct, and reformation of character as the commissioners shall deem sufficient to authorize his admission.

SEC. 5. That any soldier admitted into this institution for disability as aforesaid, and who shall recover his health, so as to fit him again for military service, (he being under fifty years of age,) shall be discharged: *Provided*, That any pensioner on account of wounds or disability incurred in the military service, although he may not have contributed to the funds of the institution, shall be entitled to all the benefits herein provided, upon transferring his pension to said asylum for and during the period that he may voluntarily continue to receive such benefits.

SEC. 6. That the provisions of the foregoing sections shall not be extended to any soldier in the regular or volunteer service who shall have been convicted of felony, or other disgraceful or infamous crimes of a civil nature, since he shall have been admitted into the service of the United States.

SEC. 7. That for the support of the said institution the following funds shall be set apart, and the same are hereby appropriated: any unexpended balance of the appropriation made March second, eighteen hundred and forty-seven, now remaining in the treasury, for the benefit of discharged soldiers disabled by wounds; the sum of one hundred and eighteen thousand seven hundred and ninety-one dollars and nineteen cents, levied by the commanding general of the army of the United States in Mexico, during the war with that republic, for the benefit of the soldiers of the United States army, regulars and volunteers, engaged in that war, but taken possession of as funds of the United States and placed in the treasury; all stoppages or fines adjudged against soldiers by sentence of courts-martial, over and above any amount that may be due for the reimbursement of

[1] So modified by sec. 5, chap. 83, 3 March, 1857, as to embrace "invalid and disabled soldiers, whether regulars or volunteers, of the war of 1812, and all subsequent wars."

government, or of individuals; all forfeitures on account of desertion, *all moneys, not exceeding two-thirds of the balance on hand, of the hospital fund, and of the post fund of each military station, after deducting the necessary expenses of the year,*[1] and all moneys belonging to the estates of deceased soldiers, which now are or may hereafter be unclaimed for the period of three years subsequent to the death of said soldier or soldiers, to be repaid by the commissioners of the institution, upon the demand of the heirs or legal representatives of the deceased: *And provided, also,* That from the first day of the month, next after the passage of this act, there shall be deducted from the pay of every non-commissioned officer, musician, artificer, and private of the army of the United States, the sum of *twenty-five cents*[2] per month, which sum so deducted shall, by the pay department of the army, be passed to the credit of the commissioners of the army asylum, who are hereby also authorized to receive all donations of money or property made by any person or persons for the benefit of the institution, and hold the same for its sole and exclusive use: *Provided,* That the deduction of *twenty-five cents*[2] per month from the pay of non-commissioned officers, musicians, artificers, and privates of regiments of volunteers, or other corps or regiments, raised for a limited period or for a temporary purpose or purposes, shall only be made with their consent.

SEC. 8. That the commissioners of this institution, by and with the approval of the President, be, and the same are hereby, authorized and required to procure for immediate use, at a suitable place or places, a site or sites for the military asylum, and if the necessary buildings cannot be procured with the site or sites, to have the same erected, having due regard to the health of the locations, facility of access, to economy, and giving preference to such places as, with the most convenience and least cost, will accommodate the persons provided for in this act.

SEC. 9. That the commissioners, with the approval of the secretary of war, prepare the necessary rules and regulations for the government of said institution, and cause the same to be fitted and furnished for the immediate reception of those persons provided for in this act, and that the secretary of war report upon the execution of this duty at the next session of Congress.

[*Approved, March* 3, 1851.]

[1] The words in italics repealed by sec. 2, chap. 133, 5 July, 1862.

[2] Reduced to 12½ cents per month by sec. 7, chap. 83, 3 March, 1859, which see for important changes.

CHAPTER 33.—Approved, March 3, 1851.—Vol. 9, p. 618.

An Act making appropriations for the support of the army for the year ending the thirtieth of June, one thousand eight hundred and fifty-two.

SEC. 1. *For pay of the army, &c. Provided*, That all promotions in the staff department, or corps, shall be made as in other corps of the army.[1]

CHAPTER 37.—Approved, March 3, 1851.—Vol. 9, p. 627.

An Act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes.

SEC. 2. That if such person as the secretary of the treasury shall designate shall report, in any of the cases herein provided for, that preliminary surveys are necessary to determine the site of a proposed light-house or light-boat, beacon or buoy, or to ascertain more fully what the public exigency demands, the secretary of the treasury shall thereupon direct the superintendent of the survey of the coast of the United States to perform such duty on the seaboard, and the colonel of the corps of topographical engineers to perform such duty on the northwestern lakes.

SEC. 3. That the officers so directed shall forthwith enter upon the discharge of the duty, and, after fully ascertaining the facts, shall report: First, whether the proposed facility to navigation is the most suitable for the exigency which exists; and, Second, where it should be placed if the interests of commerce demand it: Third, if the thing proposed be not the most suitable, whether it is expedient to make any other kind of improvement: Fourth, whether the proposed light has any connection with other lights, and if so, whether it cannot be so located as to subserve both the general and local wants of trade and navigation: and, Fifth, whether there be any, and, if any, what other facts of importance touching the subject.[2]

[1] By sec. 8, chap. 162, 5 July, 1838, the transfer of officers from the line to the staff of the adjutant-general is to be without prejudice to their rank and promotion in the line. And by sec. 7, 18 June, 1846, appointments in the line and in the general staff which confer equal rank in the army shall not be held by the same officer at the same time, &c.

[2] Sec. 2 and 3 are continued by sec. 17, chap. 112, 31 Aug. 1852.

SEC. 4. That all such reports shall, as speedily as may be, be laid before the secretary of the treasury, and if such as to authorize the work without further legislation, he shall forthwith proceed with it; otherwise, such reports shall be laid before Congress at the next ensuing session; but in all cases where the person designated by the secretary of the treasury, under the second section of this act, does not report such preliminary examination as expedient, the provisions of this act shall without delay be carried into execution.

SEC. 8. That the secretary of the treasury be, and he is hereby, authorized and required to cause a board to be convened at as early a day as may be practicable after the passage of this act, to be composed of two officers of the navy, of high rank, two officers of engineers of the army, and such civil officer of high scientific attainments as may be under the orders, or at the disposition, of the treasury department, and a junior officer of the navy to act as secretary to said board, whose duty it shall be, under instructions from the treasury department, to inquire into the condition of the light-house establishment of the United States, and make a general detailed report and programme to guide legislation in extending and improving our present system of construction, illumination, inspection, and superintendence: *Provided*, That no additional compensation shall be allowed any person serving on said board.

SEC. 9. That the President be, and he is hereby, required to cause to be detailed from the engineer corps of the army, from time to time, such officers as may be necessary to superintend the construction and renovating light-houses.[1]

[*Approved, March* 3, 1851.]

[By Res. 6, 3 March, 1851, vol. 9, p. 647, the benefits of the acts of 7 July, 1838, chap. 189, *ante*, 3 March, 1843, chap. 102, *ante*, and 17 June, 1844, chap. 102, *ante*, granting pensions to widows, extended to those whose husbands died after the passage of those acts.]

[1] See act 31 Aug. 1852, chap. 112.

CHAPTER 19.—Approved, March 22, 1852.—Vol. 10, p. 3.

An Act to make land warrants assignable, and for other purposes.

That all warrants for military bounty lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are hereby declared to be assignable, by deed or instrument of writing made and executed after the taking effect of this act, according to such form and pursuant to such regulations as may be prescribed by the commissioner of the general land-office, so as to vest the assignee[1] with all the rights of the original owner of the warrant or location: *Provided*, That any person entitled to pre-emption right to any land shall be entitled to use any such land warrant in payment for the same, at the rate of one dollar and twenty-five cents per acre, for the quantity of land therein specified: *Provided*, That the warrants which have been, or may hereafter be, issued in pursuance of said laws or of this act may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States, subject to private entry at the time of such location, at the minimum price: *Provided, further*, That when said warrant shall be located on lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the locator of said warrants shall pay to the United States in cash the difference between the value of such warrants at one dollar and twenty-five cents per acre and the tract of land located on.

(Sections 2 and 3 not military.)

SEC. 4. That in all cases where the militia or volunteers, or state troops of any state or territory, were called into military service, and whose services have been paid by the United States subsequent to the eighteenth June, eighteen hundred and twelve, the officers and soldiers of such militia, volunteers, or[2] troops shall be entitled to all the benefits of the act entitled "An act[3] granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States,"

[1] By sec. 2, chap. 84, 3 June, 1858, extended to warrants issued under chap. 207, 3 March, 1855.

[2] And see, as to widows, 5 Aug. 1854, chap. 267.

[3] Chap. 85.

approved September twenty-eight, eighteen hundred and fifty, and shall receive lands for their services according to the provisions of said act, upon proof of length of service as therein required, and that the last proviso of the ninth section of the act of the eleventh[1] of February, eighteen hundred and forty-seven, be, and the same is hereby, repealed: *Provided*, That nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same.

SEC. 5. That where any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized; in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, with a view to determine the quantity of land any officer or soldier is entitled to under said act, approved twenty-eighth September, eighteen hundred and fifty, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States; and also one day for every twenty miles from the place where such company, battalion, or regiment was discharged to the place where it was organized, and from whence it marched to enter the service.

[*Approved, March* 22, 1852.]

[By chap. 81, sec. 2, 6 August, 1852, vol. 10, p. 29, the assistant professors of French[2] and drawing to receive the pay and emoluments allowed to other assistant professors.]

[1] Chap. 8.

[2] At West Point Military Academy, professors receive $2240 per annum, and assistant professors receive the pay and emoluments of captains of cavalry.

CHAPTER 108.—Approved, August 31, 1852.—Vol. 10, p. 76.

An Act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-three, and for other purposes.

SEC. 10. That where any moneys shall have remained unexpended upon any appropriations by law, other than for the payment of interest on the funded debt, or the payment of interest and reimbursement according to contract of any loan or loans made on account of the United States, as likewise moneys appropriated for a purpose in respect to which a larger duration is specially assigned by law, for more than two years after the expiration of the fiscal year in which the act shall have been passed, all and any such appropriations shall be deemed to have ceased and been determined, and the moneys so unexpended shall be immediately thereafter carried, under the direction of the secretary of the treasury, to the account on the books of the treasury denominated the "surplus fund," to remain like other unappropriated moneys in the treasury; and it shall not be lawful, for any cause or pretence whatsoever, to transfer, withdraw, apply, or use for any purpose whatever, any moneys carried as aforesaid to the surplus fund, without further and specific appropriations by law.

SEC. 18. That no person, hereafter, who holds, or shall hold, any office under the Government of the United States, whose salary or annual compensation shall amount to the sum of two thousand five hundred dollars, shall receive compensation for discharging the duties of any other office.

CHAPTER 110.—Approved, August 31, 1852.—Vol. 10, p. 107.

An Act making appropriations for the support of the army for the year ending the thirtieth of June, eighteen hundred and fifty-three.

2. Transfers of appropriations forbidden except in certain cases. Appropriations of this act not to be applied to expenses incurred before July 11, 1852. 5. Ra-

tion for paymasters' clerks. 7. Settlement of accounts of military contributions in Mexico. 1849, chap. 126.

SEC. 2. That all acts[1] or parts of acts authorizing the President of the United States, or the secretary of the proper department, under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that department, to be applied to another branch of expenditure in the same department, be, and are hereby, so far as relates to the department of war, repealed; and no portions of the moneys appropriated by this act shall be applied to the payment of any expenses incurred prior to the first day of July, one thousand eight hundred and fifty-two. But nothing herein contained shall be so construed as to prevent the President from authorizing appropriations for the subsistence of the army, for forage, for the medical and hospital departments, and for the quartermaster's department, to be applied to any other of the abovementioned branches of expenditure in the same department; and appropriations made for a specific object for one fiscal year shall not be transferred to any other object, after the expiration of that year.

SEC. 3. That so much of the act making appropriations for the support of the army for the year ending 28 Sept. 1850,[2] as provides extra pay to the commissioned officers and enlisted men of the United States serving in Oregon and California, be, and the same is hereby, continued in force for one year from the first day of March, 1852, and that the provision of the last-mentioned act be, and is hereby, extended to New Mexico, during the current year, provided for by this section; and that $300,000 be, and the same is hereby, appropriated for that purpose: *Provided, further*, That said officers and men shall receive only one-half of the increased amount over the regular pay allowed by law.

SEC. 5. That paymasters' clerks shall be entitled to receive one ration per day when on duty at their stations, to be commuted at the price now authorized when travelling on duty.[3]

SEC. 6. That for the pay and equipment as mounted riflemen, finding their own horses and forage, of the volunteers serving under the command of Captain John C. Fremont, in California, during the year 1846, as appears by the muster rolls on file in the war department, and for the subsistence and supplies consumed by said volunteers in said service, $168,000 is hereby appropriated out of any money in the treasury not otherwise appropriated; and the secretary of war is authorized and empowered to appoint[4]

[1] 3 March, 1809, chap. 20, sec. 1, 31 Aug. 1842, chap. 186, sec. 11.
[2] Chap. 78, which extends one year.
[3] 75 cents per day.
[4] Board abolished, 1835, Mar. 3, chap. 69.

three competent and disinterested officers of the army to examine and report to Congress upon all such claims as may be presented for funds advanced, and subsistence and supplies of all kinds furnished or taken, for the use of said command whilst thus engaged in the public service; and for the expenses of said board of officers, the sum of $2000 is hereby appropriated.

SEC. 7. That the second section of an act entitled "An act[1] to provide for the settlement of the accounts of public officers and others who may have received moneys arising from military contributions or otherwise in Mexico," approved March third, eighteen hundred and forty-nine, shall be so construed as to extend to officers and other persons[2] who were engaged in the collection of military contributions as collectors in any part of Mexico or California, during the war with Mexico.

[SEC. 18. Examination of Blue Lick Springs, as a site for a western military asylum, authorized.]

[*Approved, August* 31, 1852.]

CHAPTER 112.—Approved, August 31, 1852.—Vol. 10, p. 112.

An Act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes.

[Sections 5 and 6 are a repetition of sections 2 and 3 of chapter 37, 1851, 3 March.]

SEC. 8. That the President be, and he is hereby, authorized and required to appoint, immediately after the passage of this act, two officers of the navy, of high rank, one officer of the corps of engineers of the army, one officer of the corps of topographical engineers of the army, and two civilians of high scientific attainments, whose services may be at the disposal of the President; and an officer of the navy and an officer of engineers of the army, as secretaries, who shall constitute the Light-house Board of the United States, and shall have power to adopt such rules and regulations for the government of their meetings as they may judge expedient; and the board so constituted shall be attached to the office of the secretary of the treasury, and under his superintendence[3] shall discharge all the administrative duties of said office relating to the construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their appendages, and embracing the security of foundations of works already existing, procuring illuminating and other apparatus, supplies, and materials of all kinds for building and for rebuilding when necessary, and keeping in good repair, the light-houses, light-vessels, beacons, and buoys of the United States.

[1] Chapter 126.

[2] Extended to "all persons" so engaged by sec. 5, chap. 98, 3 March 1853.

[3] See chap. 71, sec. 1, 3 March, 1845, as to fifth auditor; and chap. 37, 3 March, 1851, sec. 9.

SEC. 9. That the secretary of the treasury shall be ex-officio President of the Light-house Board of the United States, and the said board, at their first meeting, shall proceed to ballot for one of their members as chairman; and the member who shall receive the majority of ballots of the whole board shall be declared by the President to be chairman of the Light-house Board, who shall, in the absence of the president of the board, preside over their meetings, and do and perform such acts as may be required by the rules of the board.

SEC. 10. That the Light-house Board shall meet four times in each year for the transaction of general and special business, each meeting to commence on the first Monday in March, June, September, and December, and that the secretary of the treasury is hereby authorized to convene the Light-house Board whenever, in his judgment, the exigencies of the service may require it.

[SEC. 11. Certain clerks, archives, &c. to be transferred to such board.]

SEC. 12. That it shall be the duty of the Light-house Board, immediately after being organized, to arrange the Atlantic, Gulf, Pacific, and Lake Coasts of the United States into light-house districts, not exceeding twelve in number; and the President is hereby authorized and required to direct that an officer of the army or navy be assigned to each district as a light-house inspector, subject to and under the orders of the Light-house Board, who shall receive for such service the same pay and emoluments that he would be entitled to by law for the performance of duty in the regular line of his profession, and no other, except the legal allowance per mile when travelling under orders connected with his duties.

[SEC. 13. Rules and regulations to be established and distributed.]

SEC. 14. That it shall be the duty of the Light-house Board to cause to be prepared by the engineer secretary of the board, or by such officer of engineers of the army as may be detailed[1] for that service, all plans, drawings, specifications, and estimates of cost of all illuminating and other apparatus, and of construction and repair of towers, buildings, &c., connected with the Light-house Establishment; and no bid or contract shall be accepted or entered into except upon the decision of the board, at a regular or special meeting, and through their properly authorized officers.

SEC. 15. That hereafter all materials for the construction and repair of light-houses, light-vessels, beacons, buoys, &c. &c., shall be procured by public contracts, under such regulations as the board may from time to time adopt, subject to the approval of the secretary of the treasury; and all works of construction,

[1] By the President, 3 March, 1851, chap. 37, sec. 9.

renovation, and repair shall be made by the orders of the board, under the immediate superintendence of their engineer secretary, or of such engineer of the army as may be detailed for that service.

SEC. 16. That it shall be the duty of the Light-house Board to furnish, upon the requisition of the secretary of the treasury, all the estimates of expense which the several branches of the light-house service may require, and such other information as may be required, to be laid before Congress at the commencement of each session.

SEC. 17. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and all acts and parts of acts relating to the Light-house Establishment of the United States, not inconsistent with the provisions of this act, and necessary to enable the Light-house Board, under the superintendence of the secretary of the treasury, to perform all duties[1] relating to the management, construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their accessories, including the procuring and testing of apparatus, supplies, and materials of all kinds for illuminating, building, and rebuilding when necessary, maintaining and keeping in good repair the light-houses, light-vessels, beacons, buoys, and sea-marks of the United States, and the second and third sections of the act[2] making appropriations for light-houses, light-vessels, buoys, &c., approved March 3, 1851, are hereby declared to be in full force, and shall have the same effect as though this act had not passed.

Provided, That no additional salary shall be allowed to any civil, military, or naval officer who shall be employed on the Light-house Board, or who may be in any manner attached to the light-house service of the United States under this act: *And provided, further*, That it shall not be lawful for any member of the Light-house Board, inspector, light-keeper, or other person in any manner connected with the light-house service, to be engaged, either directly or indirectly, in any contract for labor, materials, or supplies for the light-house service, nor to possess, either as principal or agent, any pecuniary interest in any patent, plan, or mode of construction or illumination, or in any article of supply, for the light-house service of the United States.

[*Approved, August* 31, 1852.]

[1] See chap. 69, sec. 4, 23 May, 1828, vol. 4, p. 284.
[2] Chap. 37, vol. 9, p. 627.

CHAPTER 42.—Approved, February 3, 1853.—Vol. 10, p. 154.

An Act to continue half pay to certain widows and orphans.

That all widows and orphans who were granted and allowed five years' half pay by the provisions of the act[1] approved the twenty-first day of July, one thousand eight hundred and forty-eight, entitled "An act amending the act[2] granting half pay[3] to widows or orphans where their husbands or fathers have died of wounds received in the military service of the United States, in case of deceased officers and soldiers of the militia and volunteers, passed July fourth, one thousand eight hundred and thirty-six," or an act approved the twenty-second day of February, one thousand eight hundred and forty-nine,[4] entitled "An act granting five years' half pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regulars and volunteers," be, and they are hereby, granted a continuance of said half pay, under like limitations and restrictions, for a further period of five years, to commence at the expiration of the half pay provided for by the aforesaid acts: *Provided,*[5] *however*, That in case of the death or marriage of such widow before the expiration of said term of five years, the half pay for the remainder of the term shall go to the child or children of the deceased officer or soldier, whilst under the age of sixteen years; and in like manner, the child or children of such deceased, when there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *And provided, further*, That no greater sum shall be allowed in any case to the widow or the child or children of any officer than the half pay of a lieutenant-colonel: *And provided, further*, That the act[6] approved the twenty-second day of February, eighteen hundred and forty-nine, "granting five years' half pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regular and volunteer," be so extended and construed as to embrace the widows and minor heirs of the officers, non-commissioned officers, musicians, and privates of the regulars, militia, and volunteers of the war of eighteen hundred and twelve, and of the various Indian wars since seventeen hundred and ninety.

[1] Chap. 108.
[2] See 4 July, 1836, chap. 362, sec. 8.
[3] Chap. 62.
[4] Chap. 62.
[5] See 5 Aug. 1854, chap. 267, sec. 1.
[6] Chap. 62.

SEC. 2. That the widows of all officers, non-commissioned officers, musicians, and privates of the revolutionary army, who were married subsequent to January, anno Domini eighteen hundred, shall be entitled to a pension in the same manner as those who were married before that date.

[*Approved, February* 3, 1853.]

CHAPTER 81.—Approved, February 26, 1853.—Vol. 9, p. 170.

An Act to prevent frauds upon the treasury of the United States.

That all transfers and assignments hereafter made of any claim upon the United States, or any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void, unless the same shall be freely made and executed in the presence of at least two attesting witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof.

SEC. 2. That any officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the government of the United States, or under the senate or house of representatives of the United States, who, after the passage of this act, shall act as an agent or attorney for prosecuting any claim against the United States, or shall in any manner, or by any means, otherwise than in the discharge of his proper official duties, aid or assist in the prosecution or support of any such claim or claims, or shall receive any gratuity, or any share of or interest in any claim, from any claimant

The Act for the relief of Brevet Brigadier-General Bennett Riley, and to enable him to settle his accounts with the United States, chap. 58, 3 February, 1853, vol. 10, p. 154, extended to him the provisions of the act of 1849, chap. 126, and allowed him a commission of 1½ per cent., but, being a private act, is not inserted here.

When a clerk or other officer of the United States shall be sent away from his place of business as a witness for the Government, either with or without papers or books, his salary shall continue; his necessary expenses, stated in items and sworn to, in going, returning, and attendance on the court, shall be audited and paid; but no mileage nor other compensation shall in any case be allowed: sec. 3, chap. 80, 26 February, 1853.

against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be liable to indictment, as for a misdemeanor, in any court of the United States having jurisdiction thereof, and, on conviction, shall pay a fine not exceeding five thousand dollars, or suffer imprisonment in the penitentiary not exceeding one year, or both, as the court in its discretion shall adjudge.

SEC. 7. That the provisions of this act, and of the act of July twenty-ninth, eighteen hundred and forty-six,[1] entitled "An act in relation to the payment of claims," shall apply and extend to all claims against the United States, whether allowed by special acts of Congress, or arising under general laws or treaties, or in any other manner whatever.

[*Approved, February* 26, 1853.]

[By chap. 97, 3 March, 1853, vol. 10, p. 189, the annual compensation of the secretary of war was made eight thousand dollars.]

CHAPTER 98.—Approved, March 3, 1853.—Vol. 10, p. 214.

An Act making appropriations for the support of the army for the year ending thirtieth of June, one thousand eight hundred and fifty-four.

For pay of the army, &c. *Provided*, That the salary of the military storekeepers of the ordnance department in Oregon, California, and New Mexico shall hereafter be $1250 per annum.[2]

SEC. 2. * * * Proviso, That, from and after the 1st day of July next, the act of 23 August, 1842,[3] be so modified that the President may, if in his opinion the public interest demands it, place over any of the armories a superintendent who does not belong to the army; and, in order to enable him to decide to his satisfaction, he is hereby authorized to cause the necessary and proper inquiries to be instituted, through the medium of a commission of civilians and military men, with a view of ascertaining which of the two systems is the more economical, efficient, and safe for the managements of the public armories, that formerly existing under the superintendence of civil officers, or that now existing under the superintendence of officers of the ordnance department:[4] and that the secretary of war be, and he is hereby, authorized to abolish such of the arsenals of the United States as in his judgment may be useless or unnecessary.

[1] Chap. 66.
[2] Increased $240 by chap. 55, 21 Feb. 1854.
[3] Chap. 186, sec. 2.
[4] See chap. 267, sec. 1, 5 August, 1854.

SEC. 5. That the provisions of the seventh section of the act approved August 31, 1852, entitled "An act making appropriations for the support of the army for the year ending the 30th day of June, 1853,"[1] shall be construed to extend to all persons who were engaged as receivers of military contributions in Mexico or California during the war with Mexico.

SEC. 6. That the provisions of the first section of the act entitled "An act making appropriations for the support of the army for the year ending the 30th June, 1851,"[2] approved September 28, 1850, granting extra pay to the officers and enlisted men of the army serving in Oregon and California, be extended to the officers and men of the two companies of regiment of mounted riflemen that garrisoned the post of Fort Laramie, Oregon route, during the time they occupied said post; and the amount which may be found due them under this act shall be paid out of any money in the treasury not otherwise appropriated.[3]

SEC. 9. That whenever any lieutenant of the corps of engineers, corps of topographical engineers, or ordnance corps, shall have served fourteen years' continuous service as lieutenant, he shall be promoted to the rank of captain: *Provided*, That the whole number of officers in either of said corps shall not be increased beyond the number now fixed by law: *And provided, further*, That no officer shall be promoted before those who rank him in his corps.

SEC. 10. That the secretary of war be, and he is hereby, authorized, under the direction of the President of the United States, to employ such portion of the corps of topographical engineers, and such other persons as he may deem necessary, to make such explorations and surveys as he may deem advisable, to ascertain the most practicable and economical route for a railroad from the Mississippi River to the Pacific Ocean, and that the sum of $150,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, to defray the expense of such explorations and surveys.[4]

SEC. 11. That the engineers and other persons employed in said explorations and surveys shall be organized in as many distinct corps as there are routes to be surveyed, and their several reports shall be laid before Congress on or before the first Monday in February, 1854.

[SEC. 14. $10,000 appropriated for purchase of a site for the Western Military Asylum.]

[*Approved, March* 3, 1853.]

[1] Chap. 110. [2] Chap. 78.

[3] Same also extended to troops composing the garrison at same fort during same period, by chap. 169, 1855, sec. 5; and also to escort of Mexican boundary commission while so engaged.

[4] The reports of these several surveys have been published by Congress in twelve or more volumes quarto, and are highly and deservedly valued.

Chapter 104.—Approved, March 3, 1853.—Vol. 10, p. 227.

An Act making appropriations for the current and contingent expenses of the Indian department, &c. for the year ending June thirtieth, eighteen hundred and fifty-four.

Sec. 4. That if any officer who is or may hereafter be charged with the payment of any of the appropriations made by this or any other act of Congress, shall pay to any clerk or other employee of the United States a sum less than that provided by law, and require such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, such officer thus acting shall be deemed guilty of embezzlement, shall be fined in a sum double the amount so withheld from any employee of government, and shall be imprisoned for the term of two years, and may be prosecuted and punished in any court of the United States having jurisdiction for the trial of such offences in the district where such offence shall be committed.

By chapter 54, May 10, 1854, vol. 10, p. 276, the compensation of master of the sword (at the Military Academy, West Point) was made twelve hundred dollars per annum.[1]

By chapter 60, May 31, 1854, vol. 10, p. 294, $5996.61 appropriated for the compensation and expenses of civilians and military men appointed under the provisions of the first section of the act of 3 March, 1853, chap. 98, to determine matters connected with the management of the national armories. *Provided*, That in the payment of such officers of the army as may have served on that commission, their pay as such officers shall be deducted.

[1] $800 before; and made $1500 by act 16 February, 1857, chap. 45.
The professors at West Point now receive $2240 per annum, and the assistant professors and instructor of cavalry and artillery tactics receive the pay, &c. of captains of cavalry; the teacher of music, $60 per month, and cadets, $30 per month.

CHAPTER 247.—Approved, August 4, 1854.—Vol. 10, p. 575.

An Act to increase the pay of the rank and file of [the] army, and to encourage enlistments.

2. Bounty for re-enlistments. 3. Bounty for meritorious soldiers, in the Mexican war, who re-enlist. 4. Non-commissioned officers recommended for promotion under act of 1847, chap. 61, sec. 17. Bounty to. 5. Promotion of non-commissioned officers. 6. Allowance for fatigue duty.

That the pay of the non-commissioned officers, musicians, and privates[1] of the army of the United States shall be increased at the rate of $4 per month, and to continue for the term of three years from and after the 1st day of January next, and until otherwise fixed by law.

SEC. 2. That every soldier who, having been honorably discharged from the service of the United States, shall, within one month thereafter, re-enlist, shall be entitled to two dollars per month, in addition to the ordinary pay of his grade, for the first period of five years after the expiration of his previous enlistment, and a further sum of one dollar per month for each successive period of five years, so long as he shall remain continuously in the army; and that soldiers now in the army, who have served one or more enlistments, and been honorably discharged, shall be entitled to the benefits herein provided for a second enlistment.

SEC. 3. That soldiers who served in the war with Mexico, and received a certificate of merit for distinguished services, as well those now in the army as those that may hereafter enlist, shall receive the two dollars per month to which that certificate would have entitled them had they remained continuously in the service.

SEC. 4. That non-commissioned officers who, under the authority of the seventeenth section of the act[2] approved March third, eighteen hundred and forty-seven, were recommended for promotion by brevet to the lowest grade of commissioned officer, but did not receive the benefit of that provision, shall be entitled, under the condition recited in the foregoing section, to the additional pay authorized to be given to such privates as received certificates of merit.

[1] This was made to embrace ordnance men, by 3 March, 1857, chap. 106, sec. 8; and the pay of privates was made $13 a month by chap. 63, sec. 1, 6 August, 1861.
[2] Chap. 61, sec. 17.

SEC. 5. That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the senate, to confer the brevet of second lieutenant upon such meritorious non-commissioned officers as may, under regulations to be established, be brought before an army board, composed of four officers of rank, specially convened for the purpose, and be found qualified for the duties of commissioned officers, and to attach them to regiments, as supernumerary officers, according to the provisions of the fourth section of the act approved April twenty-ninth, eighteen hundred and twelve, entitled "An act[1] making further provision for the corps of engineers."

SEC. 6. That the allowance to soldiers employed at work on fortifications, in surveys, in cutting roads, and other constant labor, of not less than ten days, authorized by the act approved March second, eighteen hundred and nineteen,[2] entitled "An act to regulate the pay of the army when employed on fatigue duty," be increased to twenty-five cents per day for men employed as laborers and teamsters, and forty cents per day when employed as mechanics,[3] at all stations east of the Rocky Mountains, and to thirty-five cents and fifty cents per day, respectively, when the men are employed at stations west of those mountains.

[*Approved, August* 4, 1854.]

CHAPTER 248.—Approved, August 4, 1854.—Vol. 10, p. 576.

An Act to repeal the first proviso of the fourth section of the Act entitled "An Act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September twenty-eighth, one thousand eight hundred and fifty."[4]

That the first proviso of the fourth section of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850, be, and the same is hereby, repealed.[5]

[1] Chap. 72.
[2] Chap. 45; and see sec. 4, chap. 22, 19 May, 1846.
[3] These provisions extended to soldiers acting as cooks, &c. by chap. 125, sec. 3, 16 August, 1856.
[4] Chap. 85.
[5] A similar act was passed on 5 August, 1854: the effect of the repeal allows members of the 31st Congress who have been in the United States service to receive bounty lands therefor, under the act of 28 September, 1850.

CHAPTER 267.—Approved, August 5, 1854.—Vol. 10, p. 576.

An Act making appropriations for the support of the army for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

1. Superintendency of armories. 3. Effect of subsequent marriage upon claims of widows, under acts of 1850, chap. 85, 1852, chap. 19, 1853, chap. 41.

For the manufacture of arms at the national armories, &c. *Provided*, That so much of all laws heretofore passed, which authorized the appointment of military officers[1] to superintend the operations at the national armories, be, and the same is hereby, repealed; and from and after the passage of this act it shall be the duty of the President of the United States, by and with the advice and consent of the senate, to appoint a competent and well-qualified civilian as superintendent at each of said armories.[2]

SEC. 3. That the act approved September twenty-eight, one thousand eight hundred and fifty, entitled "An act[3] granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," the act approved March twenty-second, one thousand eight hundred and fifty-two, entitled "An act[4] to make land warrants assignable, and for other purposes," and the act approved February third, one thousand eight hundred and fifty-three, entitled "An act[5] to continue half pay to certain widows and orphans," shall not be so construed as to deprive any widow from the benefits therein granted for the services of her husband, though she may have married again: *Provided, however*, That the applicant is a widow at the time of making the claim: *Provided*, Such party shall not receive pension during coverture.

SEC. 4. That the secretary of war be, and he is hereby, authorized and directed to receive and cause to be placed on the files of his department such additional muster rolls of the battalion of volunteers commanded by Lieutenant-Colonel J. C. Fremont, in California, duly authenticated by the proper officers, as have not heretofore been received and filed, and to cause such corrections of the muster rolls to be made in regard to the periods of enlistment and terms of service, and the omission of names of the members of said battalion, as upon satisfactory proof he may deem right and proper, and as far as practicable to correspond with the pay rolls of Major P. B. Reading, paymaster of said battalion, with respect to the period of service, so that all who served in the military service of the United States in California during the late war with Mexico, whether under the command of

[1] See sec. 2, chap. 186, 23 Aug. 1842.
[2] See chap. 98, sec. 2, 3 March, 1853: military superintendents restored by sec. 5, chap. 57, 6 Aug. 1861.
[3] Chap. 85. [4] Chap. 19. [5] Chap. 41.

naval or military officers, may be entitled to all the benefits of all the acts of Congress providing for the enrolment of volunteers in the Mexican war: *Provided*, That no payment shall be made, in consequence of this section, beyond the sum heretofore appropriated.

[*Approved, August* 5, 1854.]

Resolution 1.—Approved, January 14, 1854.—Vol. 10, p. 591.

Joint Resolution of thanks to General John E. Wool.

That the thanks of Congress are due, and are hereby tendered, to Brevet Major-General John E. Wool, for his distinguished services in the late war with Mexico, and especially for the skill, enterprise, and courage which distinguished his conduct at the battle of Buena Vista.

That the President be requested to cause a sword, with suitable devices, to be presented to General Wool, as a testimony of the high sense entertained by Congress of his gallant and judicious conduct on that memorable occasion.[1]

That the President be requested to cause a copy of the foregoing resolutions to be transmitted to General Wool.

Chapter 169.—Approved, March 3, 1855.—Vol. 10, p. 635.

An Act making appropriations for the support of the army for the year ending the thirtieth of June, one thousand eight hundred and fifty-six, and for other purposes.

7. Distribution of arms to the states. Proviso. 8. Pensions, &c.

Sec. 2. That the board of officers appointed under the sixth section of the act making appropriations for the support of the army for the year ending June 30, 1853,[2] approved August 31, 1852, is hereby abolished.

[Sec. 5. Act of 28 September, 1850, chapter 78, section 1, granting extra pay to the army serving in California, extended to those who compose the garrison at Fort Laramie for same period as was allowed by section 6, chapter 98, 1853, to mounted rifles at that post; and same to the escort to Mexican boundary commission while so serving.]

[Sec. 6. Chaplains embraced in the laws[3] allowing extra pay to officers and soldiers who served in California.]

Sec. 7. That the annual distribution of arms to the several states, under the act approved April twenty-third, eighteen hundred and eight, entitled "An act[4] making provision for arming and equipping the whole body of the militia of the United States," shall be hereafter made according to the number of

[1] $1500 appropriated for this sword: vol. 10, p. 581.
[2] Chap. 110, board for adjudicating Fremont claims.
[3] Chap. 78, 1850, sec. 1, and chap. 110, 1852, sec. 3.
[4] Chap. 55.

their representatives and senators in Congress, respectively; and that arms be distributed to the territories and the District of Columbia in such quantities and under such regulations as the President, in his discretion, may prescribe: *Provided*, That the secretary of war shall first equalize, as far as practicable, the number of arms heretofore distributed and now in possession of the several states, so that each state which has received less than its pro rata share shall receive a number sufficient to make an equal pro rata proportion for all the states, according to the present number of their representatives and senators in Congress, respectively.

SEC. 8. That there shall be added to the army two regiments of infantry[1] and two regiments of cavalry,[2] organized as in the existing force;[3] and there shall be appointed by the President, by and with the advice and consent of the senate, one brigadier-general, and that the officers and men authorized by this act shall be entitled to the same provisions for wounds and disabilities, and the same provisions for widows and children, and the same allowances and benefits, in every respect, as are allowed to other troops composing the army of the United States. They shall be subject to the rules and articles of war, and the men shall be recruited in the same manner as other troops, and with the same conditions and limitations.

[*Approved, March* 3, 1855.]

CHAPTER 175.—Approved, March 3, 1855.—Vol. 10, p. 643.

An Act making appropriations for the civil and diplomatic expenses of government for the year ending June 30, 1856, and for other purposes.

SEC. 1. . . . And the secretary of war be, and he hereby is, directed to cause to be constructed on such site, in a central position on the public grounds, in the city of Washington, as may be selected by the President of the United States, a suitable building for the care and preservation of the ordnance and arms and accoutrements of the United States, required for the use of the volunteers and militia of the District of Columbia, and for the care and preservation of the military trophies of the revolutionary and other wars, and for the deposit of newly-invented and model arms for the military service, the said ordnance and arms and the building to be used by the volunteers and militia of the District of Columbia, under such regulations as may be prescribed by the President; and, for the purpose of carrying this act into effect, the sum of $30,000[4] be, and the same hereby is, appropriated out of any money in the treasury not otherwise appropriated.

[1] Making ten.

[2] Making four, and nine regiments of infantry and one of cavalry added by chap. 24, 29 July, 1861.

[3] Company officers to be appointed by President in recess by authority of proviso to 2d section of this act.

[4] $7827 more appropriated by act, chap. 106, 3 March, 1857. This building stands on the Mall in Washington City.

CHAPTER 199.—Approved, March 3, 1855.—Vol. 10, p. 682.

An Act to organize an institution for the insane of the army and navy, and of the District of Columbia, in the said District.

That the title of the institution shall be the Government Hospital for the Insane, and its objects shall be the most humane care and enlightened curative treatment of the insane of the army and navy of the United States, and of the District of Columbia.[1]

SEC. 2. That nine citizens of the District of Columbia, to be appointed by the President of the United States, shall constitute a board of visitors of the said hospital. The term of office of three of the nine visitors shall expire [the] thirtieth day of June, eighteen hundred and fifty-seven, and biennially thereafter on the same day of the year, when they shall be reappointed, or three other citizens appointed in their stead. The order in which the terms of office of the first nine appointees shall expire shall be determined by lot; and should any vacancy occur by death, resignation, or otherwise, such vacancy shall be filled by appointment for the unexpired term of such visitor. The board of visitors, subject to the approval of the secretary of the interior, may make any needful by-laws for the government of themselves, and of the superintendent and his employees, and of the patients, not inconsistent with this act, nor with the constitution and laws of the United States; they shall visit the hospital at stated periods, and exercise so careful a supervision over its expenditures and general operations that the government and community may have confidence in the correctness of its management; they shall make annually to the secretary of the interior a report for the preceding year ending June thirtieth, setting forth the condition and wants of the institution. The board shall elect one of their number president, who shall preside at their meetings for one year, or till a successor is elected. The office of visitor shall be honorary and without compensation.

SEC. 3. That the chief executive officer of the institution shall be a superintendent, to be appointed by the secretary of the interior, and to receive a salary of two thousand five hundred dollars per annum. The superintendent shall be a well-educated

[1] See chap. 36, 1857, chap. 66, 1860, and chap. 60, 1861.

physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises, and devote his whole time to the welfare of the institution; he shall, subject to the approval of the visitors, engage and discharge all needful and usual employees in the care of the insane, and all laborers on the farm, and determine their wages and duties; he shall be the responsible disbursing agent of the institution, and shall be ex officio secretary of the board of visitors; and he shall give bond for the faithful performance of his duties, in such sum and with such securities as may be required by the secretary of the interior.

SEC. 4. That the order of the secretary of war, and that of the secretary of the navy,[1] shall authorize the superintendent to receive insane persons belonging to the army and navy,[2] respectively, and keep them in custody till they are cured, or removed by the same authority which ordered their reception.

SEC. 5. That all indigent insane persons residing in the District of Columbia at the time they became insane, shall be entitled to the benefits of the institution, and shall be admitted on the authority of the secretary of the interior, which he may grant after due process of law, showing the person to be insane and unable to support himself (or herself) and family (or themselves, if they have no family) under the visitation of insanity.

SEC. 6. That whenever there are vacancies, private patients from the District may be received at a rate of board to be determined by the visitors, to be in no case less than the actual cost of their support.

SEC. 7. That all appropriations of money by Congress for the support of the institution shall be drawn from the treasury on the requisition of the secretary of the interior, and shall be disbursed and accounted for in all respects according to the laws regulating ordinary disbursements of public money.

[SEC. 8. This act to take effect from 1 July, 1855.]

[*Approved, March* 3, 1855.]

[1] And secretary of the treasury, by chap. 66, 1 June, 1860; secretary of the interior, by chap. 36, 7 February, 1857, and chap. 60, 28 February, 1861.

[2] And revenue cutter service, by chap. 66, 1 June, 1860, *post;* and see supplementary act, chap. 36, 7 February, 1857, and chap. 60, 28 February, 1861.

CHAPTER 207.—Approved, March 3, 1855.—Vol. 10, p. 701.

An Act in addition to certain Acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States.

That each of the surviving commissioned and non-commissioned officers, musicians, and privates, whether of regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States, and every officer, commissioned and non-commissioned, seaman, ordinary seaman, flotilla-man, marine, clerk, and landsman in the navy, in any of the wars in which this country has been engaged since seventeen hundred and ninety, and each of the survivors of the militia, or volunteers, or state troops of any state or territory, called into military service and regularly mustered therein, and whose services have been paid by the United States, shall be entitled to receive a certificate or warrant from the department of the interior for one hundred and sixty acres of land; and where any of those who have so been mustered into service and paid shall have received a certificate or warrant, he shall be entitled to a certificate or warrant for such quantity of land as will make, in the whole, with what he may have heretofore received, one hundred and sixty acres to each such person having served as aforesaid: *Provided*, The person so having been in service shall not receive said land warrant if it shall appear by the muster rolls of his regiment or corps that he deserted, or was dishonorably discharged from service: *Provided, further*, That the benefits of this section shall be held to extend to wagon-masters and teamsters who may have been employed, under direction of competent authority, in time of war in the transportation of military stores and supplies.

SEC. 2. That in case of the death of any person who, if living, would be entitled to a certificate or warrant as aforesaid under this act, leaving a widow, or, if no widow, a minor child or children, such widow, or, if no widow, such minor child or children, shall be entitled to receive a certificate or warrant for the same quantity of land that such deceased person would be entitled to receive under the provisions of this act, if now living: *Provided,* That a subsequent marriage shall not impair the right of any such widow to such warrant if she be a widow

at the time of making her application: *And provided, further,* That those shall be considered minors who are so at the time this act shall take effect.

SEC. 3. That in no case shall any such certificate or warrant be issued for any service less than fourteen days, except where the person shall actually have been engaged in battle, and unless the party claiming such certificate or warrant shall establish his or her right thereto by record[1] evidence of said service.

SEC. 4. That said certificates or warrants may be assigned, transferred, and located by the warrantees, their assignees, or their heirs at law, according to the provisions of existing laws regulating the assignment, transfer, and location of bounty land warrants.

SEC. 5. That no warrant issued under the provisions of this act shall be located on any public lands, except such as shall at the time be subject to sale at either the minimum or lower graduated prices.

SEC. 7. That the provisions of this act, and all the bounty land laws heretofore passed by Congress, shall be extended to Indians, in the same manner, and to the same extent, as if the said Indians had been white men.

SEC. 8. That the officers and soldiers of the revolutionary war, or their widows or minor children,[2] shall be entitled to the benefits of this act.

SEC. 9. That the benefits of this act shall be applied to and embrace those who served as volunteers at the invasion of Plattsburg, in September, eighteen hundred and fourteen; also at the battle of King's Mountain, in the revolutionary war, and the battle of Nickojock, against the confederated savages of the south.[3]

SEC. 10. That the provisions of this act shall apply to the chaplains who served with the army in the several wars of the country.

SEC. 11. That the provisions of this act be applied to those who served as volunteers at the attack on Lewistown, in Dela-

[1] Where no recorded evidence exists, parol evidence may be taken, by sec. 3, chap. 26, 1856.

[2] See sec. 8, chap. 26, 14 May, 1826.

[3] To Major D. Bailey's battalion, by chap. 115, 3 March, 1857.

ware, by the British fleet, in the war of eighteen hundred and twelve–fifteen.

[*Approved, March* 3, 1855.]

[By chapter 208, sec. 2, March 3, 1855, vol. 10, p. 703, the yearly allowance of the professor of French and Spanish, and of the professor of drawing, at West Point Military Academy, to be the same as is now allowed[1] to the other professors.]

RESOLUTION 9.—Approved, February 15, 1855.—Vol. 10, p. 723.

A Resolution authorizing the President of the United States to confer the title of lieutenant-general by brevet, for eminent services.

That the grade of lieutenant-general be, and the same is hereby, revived[2] in the army of the United States, in order that when, in the opinion of the President and senate, it shall be deemed proper to acknowledge eminent services of a major-general of the army in the late war with Mexico, in the mode already provided for in subordinate grades, the grade of lieutenant-general may be specially conferred by brevet, and by brevet only, to take rank from the date of such service or services: *Provided, however*, That, when the said grade of lieutenant-general by brevet shall have once been filled, and have become vacant, this joint resolution shall thereafter expire and be of no effect.[3]

CHAPTER 15.—Approved, April 5, 1856.—Vol. 11, p. 8.

An Act making appropriations for the payment of invalid and other pensions of the United States for the year ending the thirtieth of June, eighteen hundred and fifty-seven.

[So much of acts of 1828, chap. 53, 1832, chap. 126, part of 1848, chap. 155, as provides for payment out of any money not otherwise appropriated, be repealed.]

[1] $2000 by 3 March, 1851, chap. 22; now $2240 per annum.

[2] The appointment of lieutenant-general had been provided for by act of 28 May, 1798, chap. 47, and repealed by 3 March, 1799.

[For pay and emoluments of lieutenant-general, see 3 March, 1857, chap. 106, sec. 16.]

[3] Under this resolution, Major-General Winfield Scott was appointed brevet lieutenant-general by President Pierce; and Lieutenant-General Scott retired, with his full pay and allowances, on 1st November, 1861.

CHAPTER 26.—Approved, May 14, 1856.—Vol. 11, p. 8.

An Act to amend the Act in addition to certain Acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States, approved March third, eighteen hundred and fifty-five.

That in all cases where a certificate or warrant for bounty land for any less quantity than one hundred and sixty acres shall have been issued to any officer or soldier, or to the widow or minor child or children of any officer or soldier, under existing laws, the evidence upon which such certificate or warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child or children, for a certificate or warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, on proof of the identity of such officer or soldier, or, in case of his death, of the marriage and identity of his widow, or, in case of her death, of the identity of his minor child or children: *Provided, nevertheless,* That if upon a review of such evidence the commissioner of pensions shall not be satisfied that the former certificate or warrant was properly granted, he may require additional evidence, as well of the term as of the fact of service.

SEC. 2. That in all cases where a pension has been granted to any officer or soldier, the evidence upon which such pension was granted shall be received to establish the service of such officer or soldier in his application for bounty land under existing laws; and, upon proof of his identity as such pensioner, a certificate or warrant may be issued to him for the quantity of land to which he shall be entitled; and in case of the death of such pensioned officer or soldier, his widow shall be entitled to a certificate or warrant for the same quantity of land to which her husband would have been entitled, if living, upon proof that she is such widow, and in case of the death of such officer or soldier, leaving a minor child or children and no widow, or where the widow may have deceased before the issuing of any certificate or warrant, such minor child or children shall be entitled to a certificate or warrant for the same quantity of land as the father would have been entitled to receive if living, upon proof of the decease of father and mother: *Provided, nevertheless,* That if upon a review of such evidence the commissioner of pen-

sions shall not be satisfied that the pension was properly granted, he may require additional evidence, as well of the term as of the fact of service.

SEC. 3. That so much of the third section of the "Act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved March third, eighteen hundred and fifty-five,[1] as requires the party claiming a certificate or warrant, under the provisions of said act, to establish his or her right thereto by record evidence of the service for which such certificate or warrant has been or may be claimed, be, and the same is hereby, repealed, and parol evidence, where no record evidence exists, may be admitted to prove the service performed, under such rules and regulations as the commissioner of pensions may prescribe.

SEC. 4. That the eighth section of the act above mentioned, approved the third day of March, in the year eighteen hundred and fifty-five,[2] shall be construed as embracing officers, marines, seamen, and other persons engaged in the naval service of the United States during the revolutionary war, and the widows and minor children of all such officers, marines, seamen, and other persons engaged as aforesaid.

SEC. 5. That the provisions of the said act shall extend to all persons who have served as volunteers with the armed forces of the United States, subject to military orders, for the space of fourteen days, in any of the wars specified in the first section of the said act, whether such persons were or were not mustered into the service of the United States.

SEC. 6. That the widows and minor children of all such persons as are specified in the last preceding section of this act, and are now dead, shall be entitled to the same privileges as the widows and minor children of the beneficiaries named in the act to which this is an amendment.

SEC. 7. That when any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such

[1] Chap. 207. [2] Chap. 207.

cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States, and also one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service: *Provided*, That such march was in obedience to the command or direction of the President of the United States, or some general officer of the United States, commanding an army or department, or the chief executive officer of the state or territory by which such company, battalion, or regiment was called into service.

[*Approved, May* 14, 1856.]

CHAPTER 125.—Approved, August 16, 1856.—Vol. 11, p. 51.

An Act providing for a necessary increase and better organization of the medical and hospital department of the army.

That there be added to the medical department of[1] the army four surgeons and eight assistant surgeons, to be appointed in accordance with the existing laws.

SEC. 2. That the secretary of war be, and he is hereby, authorized to appoint, from the enlisted men of the army, or cause to be enlisted, as many competent hospital stewards as the service may require, not to exceed one for each military post,[2] the said hospital stewards to be mustered and paid on hospital muster rolls as non-commissioned staff officers, with the rank, pay, and emoluments of a sergeant of ordnance,[3]

and to be permanently attached to the medical and hospital department, under such regulations as shall be prescribed by the secretary of war.

SEC. 3. That soldiers acting as cooks and nurses in hospitals be, and are hereby, allowed the extra pay authorized to soldiers on fatigue duty by "An act to increase the pay of the rank and file of the army," approved August fourth, eighteen hundred and fifty-four.[4]

[1] See chap. 83, 2 March, 1849, and sec. 2, chap. 163, 21 June, 1860; for further increase, see chap. 55, 16 April, 1862, and chap. 127, 2 July, 1862.

[2] As the service may require, by 16 April, 1862.

[3] $30 a month, by same act.

[4] Chap. 247.

CHAPTER 36.—Approved, February 7, 1857.—Vol. 11, p. 157.

An Act supplementary to an Act[1] to organize an institution for the insane of the army and navy, and of the District of Columbia, in the said District, approved March third, eighteen hundred and fifty-five.

That no insane person not charged with any breach of the peace shall, ever hereafter, be confined in the United States jail, or in the United States penitentiary, in this District.

SEC. 2.[2] That the secretary of the interior shall have power to grant his order for the admission into the government hospital for the insane, any insane person unable to support himself or herself and family (or himself, or herself, if he or she have no family) under the visitation of insanity, who resided in the District at the time he or she became insane, and who is not charged with any breach of the peace, upon the certificate of any judge of the circuit or criminal court, or any justice of the peace of the District, stating that two respectable physicians appeared before said judge or justice and certified under oath, and under their hands, that they knew the party alleged to be insane, and that they believed him or her to be a fit subject for treatment in such hospital; also stating that two respectable householders, residents of the District, appeared before him and certified under oath, and under their hands, that they knew the party alleged to be insane and indigent, that he or she was a resident of the District at the time he or she was seized with the mental disorder under which he or she then labored, and that he or she was unable to pay his or her board and other expenses therein; and the certificate of such physicians and the certificate of such householders shall accompany the certificate of such judge or justice. The application of [to] the secretary of the interior for his order for the admission of said indigent insane person into the said hospital must be made within five days after the examination of the witnesses before the said judge or justice of the peace, before such proceedings shall be had before such judge or justice.

SEC. 3. That the order of the secretary of the interior, granted under the authority of the second section of this act, shall authorize any police officer or constable to assist in carrying such indigent insane person to the hospital, whenever such assistance is represented to be necessary by the person holding the order; but all the expenses of witnesses before said judge or justice of the peace, and of carrying such patient to the hospital, shall be borne by his or her friends, or by the local authorities of the District.

SEC. 4. That any indigent insane person who did not reside in the District at the time he or she became insane may, in like

[1] Chap. 199, 3 March, 1855. See chap. 66, 1 June, 1860.

[2] This section repealed and supplied by sec. 1, chap. 60, 28 Feb. 1861, which see for additions hereto.

manner as provided in the second section of this act, be admitted into the said hospital upon the application of the corporate authorities of the city of Washington, or of Georgetown, and at the expense of either of the said cities during the continuance of said insane person therein, it being hereby designed to give the superintendent thereof authority to take charge of such insane person until the authorities aforesaid can discover who his or her friends are, or whence he or she came, with a view to the return of such person to such friends, or to the place of his or her residence, and thus relieve said corporate authorities of the expense and charge of said indigent insane non-resident.

SEC. 5. That if any person, charged with crime, be found in the court before which he or she is so charged, to be an insane person, such court shall certify the same to the secretary of the interior, who may order such person to be confined in said hospital, and if he or she be not indigent, he or she and his or her estate shall be charged with expenses of his or her support in said hospital.

SEC. 6. That any person becoming insane during the continuance of his or her sentence in the United States penitentiary, shall have the same privilege of treatment in the hospital during the continuance of his or her mental disorder as is granted in section five to persons who escape the consequences of criminal acts by reason of insanity, unless it be the opinion, both of the physician to the penitentiary and the superintendent of the hospital, that such insane convict is so depraved and furious in his or her character as to render his or her custody in the hospital insecure, and his or her example pernicious.

SEC. 7. That when any person confined in said hospital, charged with crime and subject to be tried therefor, or convicted of crime and undergoing sentence therefor, shall be restored to sanity, the superintendent of the hospital shall give notice thereof to the judge of the criminal court, and deliver him or her to said court in obedience to the proper precept.

SEC. 8. That the independent or pay patients may be received into the hospital on the certificate of two respectable physicians of the District, stating that they have personally examined the patient, and believe him or her to be insane at the time of giving the certificate, and a fit subject for treatment in the institution, accompanied by a written request for the admission from

the nearest relatives, legal guardian, or friend of the patient, where he or she may remain until restored to reason: *Provided*, The friends of the patient comply with the regulations of the hospital in respect to payment of board, and in all other respects. The request for admission must be made within five days of the date of the certificate of insanity.

SEC. 9. That if any person will give bond, with sufficient security, to be approved by the criminal court, or circuit court, or any judge thereof in vacation, payable to the United States, with condition to restrain and take care of any independent or indigent insane person not charged with a breach of the peace, whether in the hospital or not, until the insane person is restored to sanity, such court or judge thereof may, in its discretion, deliver such insane person to the party giving such bond.

[*Approved, February* 7, 1857.]

Chap. 199, 1855. Chap. 66, 1860. Chap. 60, 1861.

CHAPTER 45.—Approved, February 16, 1857.—Vol. 11, p. 160.

An Act making appropriations for the support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and fifty-eight.

SEC. 2. That there shall be appointed at the Military Academy, in addition to the professors authorized by the existing laws, a professor of Spanish, at a salary of *two thousand dollars*[1] per annum.

SEC. 3. That the compensation of the master of the sword be fifteen hundred dollars[2] per annum, with fuel and quarters.

CHAPTER 55.—Approved, February 21, 1857.—Vol. 11, p. 163.

An Act to increase the pay of the officers of the army.

That from and after the commencement of the present fiscal year, the pay of each commissioned officer of the army, including military storekeepers, shall be increased twenty dollars per

[1] Now $2240 per annum.
[2] Formerly $800, and by chap. 54, sec. 2, 10 May, 1854, $1200.

month, and that the commutation price of officers' subsistence shall be thirty[1] cents per ration.

SEC. 2. That the secretary of war be authorized, on the recommendation of the council of administration, to extend the additional pay herein provided to any person serving as chaplain, at any post of the army.[2]

[*Approved, February* 21, 1857.]

CHAPTER 106.—Approved, March 3, 1857.—Vol. 11, p. 200.

An Act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred and fifty-eight.

3. Pay of master-armorers. 4. Act of 1819, chap. 188, as to sale of sites, extended. Such sites to be subject to taxation after sale. Proviso: right of the state to tax, &c. 16. Construction of the joint resolution authorizing the title of lieutenant-general. Secretary of lieutenant-general and aids.

SEC. 2. That there shall be added to the quartermaster's department of the army five military storekeepers,[3] who shall give the bond and security required by the existing law; and they and all other military storekeepers shall have in kind, and in kind only, the fuel and quarters of first lieutenant of the army.

SEC. 3. That the master-armorers at the national armories shall receive fifteen hundred dollars each per annum.[4]

SEC. 4. That the provisions of the act approved March third, eighteen hundred and nineteen, entitled "An act authorizing the sale of certain military sites,"[5] be, and they are hereby, extended to all military sites, or to such parts thereof which are or may become useless for military purposes: *Provided, nevertheless,* That nothing in this act, nor in the act above mentioned, shall be so construed as to impair in any wise the right of the state within which any such site or reservation may be situated to impose taxes on the same, in like manner as upon other lands or property owned by individuals within the state after such sale.

[1] Formerly 20 cents.

[2] Now $40 per month: this made it $60 per month, but by chap. 200, 17 July, 1862, $100 per month, two rations a day, and forage in kind for one horse.

[3] Making seven in that department. Five more added by chap. 133, 5 July, 1862.

[4] $1250 by sec. 2, chap. 186, 23 August, 1842.

[5] Chap. 88, which, with this extension, was repealed by sec. 6, chap. 156, 2 June, 1858.

[SEC. 8. Act of 1854, chap. 247, sec. 1, construed to include all enlisted men.]

[SEC. 10. Western Military Asylum to be abolished, and site, &c. to be sold, and proceeds restored to the fund.[1]]

SEC. 16. That the joint resolution, approved February fifteen, eighteen hundred and fifty-five,[2] "authorizing the President of the United States to confer the title of lieutenant-general by brevet," shall be so construed from and after March twenty-ninth, eighteen hundred and forty-seven, in favor of the brevet lieutenant-general appointed under said act, while exercising command according to that rank, as to entitle him to the pay, allowances, and staff specified in the fifth section of the act approved May twenty-eight, seventeen hundred and ninety-eight,[3] "authorizing the President to raise a provisional army," and also the allowances described in the sixth section of the act approved August twenty-third, eighteen hundred and forty-two,[4] "granting additional rations to certain officers:" *Provided, however, and it is hereby declared*, That the brevet lieutenant-general shall not, except in time of war, be entitled to more than two aids and one secretary; nor shall this act, nor the above-mentioned resolution of the fifteenth of February, eighteen hundred and fifty-five,[5] have any retrospective effect in regard to those who were the aids or staff of General Scott, antecedently to his appointment to the rank of brevet lieutenant-general.

[*Approved, March* 3, 1857.]

CHAPTER 114.—Approved, March 3, 1857.—Vol. 11, p. 249.

An Act to amend an Act entitled "An Act to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue."

That the act[6] to provide for the better organization of the treasury and for the collection, safe-keeping, transfer, and disbursement of the public revenue, approved August sixth, eighteen hundred and forty-six, be, and the same is hereby, so amended that each and every disbursing officer or agent of the United States, having any money of the United States intrusted

[1] Commissioners of the asylum authorized to sell it by chap. 132, 15 June, 1860; the 3d sec. of that act also repeals this section.
[2] Resolution No. 9.
[3] Chap. 47. [4] Chap. 186. [5] No. 9. [6] Chap. 90.

to him for disbursement, shall be, and he is hereby, required to deposit the same with the treasurer of the United States, or with some one of the assistant treasurers or public depositories, and draw for the same only in favor of the persons to whom payment is to be made in pursuance of law and instructions, except when payments are to be made in sums under twenty dollars, in which cases such disbursing agent may check in his own name, stating that it is to pay small sums.

[SEC. 2. Treasurer, assistant treasurer, and public depositories safely to keep moneys, &c.; failure to do so shall be treated as embezzlement.]

SEC. 3. That it shall be the duty of each and every person who shall have moneys of the United States in his hands or possession, to pay the same to the treasurer, the assistant treasurer, or public depository of the United States, and take his receipt for the same in duplicate and forward one of them forthwith to the secretary of the treasury; and for a failure to make such deposit, when required by the secretary of the treasury or any other department, or the accounting officers of the treasury, the person so failing shall be held guilty of the crime of embezzlement and subject to the punishment for that offence provided in the act to which this is an amendment.

[*Approved, March* 3, 1857.]

CHAPTER 115.—Approved, March 3, 1857.—Vol. 11, p. 249.

An Act to extend the provisions of the Act entitled "An Act in addition to certain Acts granting bounty land to certain officers and soldiers who have been engaged in the military services of the United States," to the officers and soldiers of Major David Bailey's battalion of Cook County (Illinois) Volunteers.

That all those officers and soldiers of Major David Bailey's battalion of Cook County (Illinois) volunteers stationed at Fort Dearborn, in the Black Hawk war of eighteen hundred and thirty-two, who have never received warrants for bounty land for services in said war, shall be entitled to receive a certificate or warrant from the department of the interior for one hundred and sixty acres of land, upon making proof, either by record evidence or such parol evidence as the commissioner of pensions

may require, of having served in said war for the term of at least fourteen days; the provisions of this act to extend to the widows and minor children of said officers and soldiers who have died or may die before receiving such warrant or certificate.

[*Approved, March* 3, 1857.]

[By chapter 119, March 3, 1857, vol. 11, p. 252, the pay of the cadets at the Military Academy at West Point to be thirty[1] dollars per month.]

CHAPTER 13.[2]—Approved, April 7, 1858.—Vol. 11, p. 262.

An Act to provide for the organization of a regiment of mounted volunteers for the defence of the frontier of Texas, and to authorize the President to call into the service of the United States two additional regiments of volunteers.

That the President of the United States be authorized to receive into the service of the United States one regiment of Texas mounted volunteers, to be raised and organized by the State of Texas, for the defence and protection of the frontier thereof, to continue in service from the time that the whole regiment shall be mustered into service, for the term of eighteen months, unless sooner discharged by the President. Said regiment shall be composed of one colonel, one lieutenant-colonel, one major, one adjutant with the rank of first lieutenant, one quartermaster and commissary with similar rank, one surgeon and two assistant surgeons, one sergeant-major, one quartermaster and commissary sergeant, and ten companies—each of which shall be composed of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two buglers, one farrier, and seventy-four privates. Each of said officers below the rank of major—non-commissioned officers, musicians, farrier, and privates—shall furnish and keep himself supplied with a good serviceable horse and horse-equipments, for the use and risk of which, in addition to the pay and allowances herein provided, he shall receive 40 cents a day while in service with his horse; and if any non-commissioned officer, musician, farrier, or private shall, from carelessness or neglect, injure or render his horse unfit for service, and shall fail to supply a serviceable horse within the period of ten days from the loss, such soldier shall, from such time, until he shall furnish himself with a horse, be entitled only to the pay of a private of infantry.

[1] By chap. 9, sec. 26, 16 March, 1812, it was $16; by chap. 47, sec. 2, 3 March, 1845, it was $20.

[2] This act contained no appropriation, and the troops authorized by it were not called into service.

SEC. 2. That the officers, non-commissioned officers, musicians, farriers, and privates of said regiment shall, when mustered into the service of the United States, be subject to the rules and articles of war. They shall be armed at the expense of the United States, as the President shall direct. They shall be allowed the same pay, rations, and allowances in kind, including clothing, and be subject to the same rules and regulations as are provided for the regiments of cavalry now in the service, but no field officer shall receive forage for a greater number of horses than he may from time to time actually have in service. No pay or allowances shall be due until said regiment shall be received into the service, but each officer and man shall then be entitled to one day's pay and allowance for every twenty miles he may have been required to travel from his residence to the place of muster.

SEC. 3. That, for the purpose of quelling disturbances in the Territory of Utah, for the protection of supply and emigrant trains, and the suppression of Indian hostilities on the frontiers, the President of the United States be, and he is hereby, authorized to call for and accept the services of any number of volunteers, not to exceed in all two regiments, of seven hundred and forty privates each; the same, or any portion thereof, to be organized into mounted regiments or infantry, as the President may deem proper, to serve for the term of eighteen months from the time of their being received into service, unless sooner discharged by the President. Said volunteers, if called for and received as mounted men, shall be constituted in the same manner as is provided in the first section of this bill for the Texas regiment of mounted volunteers, and shall receive the same pay and allowances, shall be subject to the same rules and regulations, as are provided in this bill for said corps; and if called for, and if received as infantry, they shall be placed on the same footing in every respect with the infantry regiments now in the service, shall receive the same pay and allowances, and be governed by the same rules and regulations; and the said regiments, whether organized as mounted men or infantry, shall be subject to the rules and articles of war.

SEC. 4. That the volunteers provided for by this act shall not be accepted in bodies of less than one regiment, whose officers shall be appointed in the manner prescribed by law in the several states or territories to which said regiments shall respectively belong, except the quartermasters and commissaries, who shall be detailed from their respective departments of the regular army of the United States.

SEC. 5. That the pay of said volunteers shall not be due until received into the service, but each officer and man shall then be entitled to one day's pay for every twenty miles he may have been required to travel from his residence to the place of muster.

[*Approved, April* 7, 1858.]

CHAPTER 25.—Approved, May 4, 1858.—Vol. 11, p. 269.

An Act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and fifty-eight.

SEC. 4. That, whenever hereafter contracts shall be made by the secretary of war or the secretary of the navy by virtue of the sixth section of the act approved the first of May, eighteen

hundred and twenty, entitled "An act[1] in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," he shall, if Congress be in session at the time, promptly report[2] to both houses thereof the reasons for making such contract, stating fully all the facts and circumstances which, in his judgment, rendered such contract necessary; if Congress be not in session at the time of making such contract, he shall, at the commencement of their next session, make such report to both houses; and no such contracts shall be made hereafter, except in cases of pressing exigency.

[*Approved, May* 4, 1858.]

[By section 2, chapter 82, approved June 2, 1858, vol. 11, p. 308, it was enacted: That hereafter the estimates for the various executive departments shall designate not only the amount required to be appropriated for the next fiscal year, but also the amount of the outstanding appropriation, if there be any, which will probably be required to be used for each particular item of expenditure.]

CHAPTER 84.—Approved, June 3, 1858.—Vol. 11, p. 308.

An Act declaring the title to land warrants in certain cases.

That when proof has been, or shall hereafter be, filed in the Pension Office, during the lifetime of a claimant, establishing, to the satisfaction of that office, his or her right to a warrant for military services, and such warrant has not been, or may not hereafter be, issued until after the death of the claimant, the title to such warrants shall vest in the widow, if there be one, and if there be no widow, then in the heirs or legatees, of the claimant; and all such warrants, and all other warrants, issued pursuant to existing laws, shall be treated as personal chattels, and may be conveyed by assignment of such widow, heirs, or legatees, or by the legal representatives of the deceased claimant, for the use of such heirs or legatees only.

SEC. 2. That the provisions of the first section of the act,[3] ap-

[1] See chap. 52, sec. 2, 1 May, 1820, *ante*.
[2] See chap. 200, 17 July, 1862, and Resolution 53, 12 July, 1862, for contracts.
[3] Chap. 19.

proved March twenty-two, eighteen hundred and fifty, to make land warrants assignable, and for other purposes, shall be so extended as to embrace land warrants issued under the act of the third of March, eighteen hundred and fifty-five.

[*Approved, June* 3, 1858.]

CHAPTER 85.—Approved, June 3, 1858.—Vol. 11, p. 309.

An Act to extend an Act entitled "An Act[1] *to continue half pay to certain widows and orphans," approved February three, eighteen hundred and fifty-three.*

That all those surviving widows and minor children who have been, or may be, granted and allowed five years' half pay under the provisions of any law or laws of the United States, be, and they are hereby, granted a continuance of such half pay, under the following terms and limitations: viz., to such widows during life, and to such child or children, where there is no widow, whilst under the age of sixteen years, to commence from the expiration of the half pay provided for by the first section of the act entitled "An act to continue half pay to certain widows and orphans," approved February three, eighteen hundred and fifty-three: *Provided, however,* That in case of the marriage or death of any such widow, the half pay shall go to the child or children of the deceased officer or soldier whilst under the age of sixteen years; and, in like manner, the child or children of such deceased officer or soldier, when there is no widow, shall be paid no longer than while there are children or a child under the age aforesaid: *And provided, further,* That the half pay of such widows and orphans shall be half the monthly pay of the officers, non-commissioned officers, musicians, and privates of the infantry of the regular army of the United States, and no more, and that no greater sum shall be allowed to any such widow or minor children than the half pay of a lieutenant-colonel: *And provided, also,* That this act shall not be construed to apply to or embrace the case of any person or persons now receiving a pension for life: *And further,* That wherever half pay shall have been granted by any special act of Congress, and is renewed or continued under the provisions of this act, the same shall commence from the date hereof.

[1] Chap. 41.

SEC. 2. That the provisions renewed and continued by this act shall be payable out of any money in the treasury not otherwise appropriated.

[*Approved, June* 3, 1858.]

CHAPTER 156.—Approved, June 12, 1858.—Vol. 11, p. 332.

An Act making appropriations for the support of the army for the year ending thirtieth June, eighteen hundred and fifty-nine.

* * * That the superintendent of the Military Academy, while serving as such by appointment of the President, shall have the local rank, the pay and allowances of a colonel of engineers;[1] that the commandant of the corps of cadets at the Military Academy, while serving as such by appointment of the President, shall have the local rank, the pay and allowances of a lieutenant-colonel of engineers,[2] and, besides his other duties, shall be charged with the duty of instructor in the tactics of the three arms at said academy; and the senior assistant instructor in each of the arms of service, viz., of artillery, cavalry, and infantry, shall severally receive the pay and allowances of the assistant professor of mathematics.[3]

SEC. 3. That it shall be lawful for any commissioned officer of the army[4] to administer the prescribed oath of enlistment to recruits: *Provided, The services of a civil magistrate authorized to administer the same cannot be obtained.*

SEC. 5. That the eleventh section of the act of 3 March, 1847, entitled "An act[5] making provision for an additional number of general officers, and for other purposes," which deprives sutlers in the army of their right to appear at the pay-table to receive the soldiers' pay from the paymaster, be, and the same is hereby, repealed.[6]

SEC. 6. That all the existing laws, or parts of laws, which authorize the sale of military sites which are or may become useless for military purposes, be, and the same are hereby, repealed;[7] and said lands shall not be subject to sale or pre-emp-

[1] $235 per month. [2] $211 per month. [3] $137.50 per month.

[4] See rules of war, art. 10; and sec. 11 of chap. 42, 3 Aug. 1861, allows any commissioned officer of the army to administer the oath.

[5] Chap. 61.

[6] This section repealed, and section by it repealed reinstated, by sec. 3, chap. 4, 24 Dec. 1861; and see chap. 47, 19 March, 1862.

[7] This repeals sec. 4, chap. 106, 3 March, 1857, which revived chap. 88, 3 March, 1819.

tion under any of the laws of the United States: *Provided, further*, That the provisions of the act of August eighteen, eighteen hundred and fifty-six, relative to certain reservations in the State of Florida, shall continue in force.

[*Approved, June* 12, 1858.]

CHAPTER 83.—Approved, March 3, 1859.—Vol. 11, p. 431.

An Act making appropriations for the support of the army for the year ending thirtieth June, eighteen hundred and sixty.

4. Commissioners of the military asylum; two a quorum. Duties. 5. Invalid soldiers of war of 1812, &c., to have benefits of this asylum. 6. Pensioners to surrender pensions to asylum while inmates. 7. Monthly deduction reduced to twelve and a half cents; inmates made subject to rules and articles of war.

[SEC. 1. Provides that no permanent barracks or quarters shall hereafter be constructed, unless detailed estimates shall have been previously submitted to Congress, and shall have been approved by a special appropriation for the same. And that mileage (to officers) shall not be allowed when the officer has been transferred or relieved at his own request.]

SEC. 4. That the second section of the act of third March, eighteen hundred and fifty-one,[1] entitled "An act to found a military asylum for the relief and support of invalid and disabled soldiers of the army of the United States," be so amended as to reduce the number of commissioners authorized by that section to three, and to consist of the commissary-general of subsistence, the surgeon-general, and the adjutant-general, (any two of whom shall be a quorum for the transaction of business,) whose duty it shall be to examine and audit the accounts of the treasurer quarter-yearly, and to visit and inspect the military asylum once in every month.

SEC. 5. That the benefits of said act be, and they are hereby, extended so as to include the invalid and disabled soldiers, whether regulars or volunteers, of the war of eighteen hundred and twelve, and of all subsequent wars; and that so much of the act of third March, eighteen hundred and fifty-one,[2] as is inconsistent herewith, be, and the same is hereby, repealed.

SEC. 6. That all pensioners on account of wounds or disability

[1] Chap. 25. [2] Chap. 25.

incurred in the military service shall transfer and surrender their pensions to the institution for and during the time they may remain therein and voluntarily continue to receive its benefits.

SEC. 7. That the deductions of twenty-five cents per month from the pay of the non-commissioned officers, musicians, artificers, and privates in the army shall be reduced, from and after the thirtieth June next, to twelve and a half cents per month; and that the title of the act[1] be, and the same is hereby, changed from the "Military Asylum" to that of "Soldiers' Home:" *And provided, further*, That all persons now in, or that may hereafter be admitted into, the institution, shall be, and are hereby, made subject to the rules and articles of war, and will be governed thereby in the same manner as soldiers in the army.

[*Approved, March* 3, 1859.]

CHAPTER 88.—Approved, March 3, 1859.—Vol. 11, p. 439.

An Act making appropriations for the payment of invalid and other pensions of the United States, for the year ending thirtieth June, one thousand eight hundred and sixty.

SEC. 2. That in all cases of application for the payment of pensions to invalids, under the several laws of Congress granting pensions to invalids, the affidavit of two surgeons or physicians, whose credibility, as such, shall be certified by the magistrate before whom the affidavit is made, stating the continuance of the disability for which the pension was originally granted, (describing it,) and the rate of such disability at the time of making the affidavit, shall accompany the application of first payment which shall fall due after the fourth day of March next, and at the end of every two years thereafter; and if, in a case of a continued disability, it shall be stated at a rate below that for which the pension was originally granted, the applicant shall only be paid at the rate stated in the affidavit: *Provided*, That where the pension shall have been originally granted for a total disability, in consequence of the loss of a limb, or other cause which cannot, either in whole or in part, be removed, the above affidavit shall not be necessary to entitle the applicant to payment.[2]

[1] Chap. 25.

[2] This supersedes chap. 81, 3 March, 1819.

CHAPTER 66.—Approved, June 15, 1860.—Vol. 12, p. 23.

An Act to amend an Act[1] entitled "An Act to organize an institution for the insane of the army and navy and of the District of Columbia, in said District."

That section four of the act of March 3, 1855, entitled "An act to organize an institution for the insane of the army and navy and of the District of Columbia, in the said District," be, and the same is hereby, amended so as to read as follows:

SEC. 4. That the order of the secretary of war, and that of the secretary of the navy, and that of the secretary of the treasury, shall authorize the superintendent to receive insane persons belonging to the army and navy and revenue cutter service, respectively, and keep them in custody until they are cured, or removed by the same authority which ordered their reception.

CHAPTER 132.—Approved, June 15, 1860.—Vol. 12, p. 39.

An Act authorizing the sale of the Western Military Asylum, in Harrodsburg, Ky.

That the Board of Commissioners of the Soldiers' Home be, and they are hereby, authorized and required to sell and dispose of the Western Military Asylum at Harrodsburg, Kentucky, at such time and manner and upon such terms and conditions as they may deem best, and that the proceeds of such sale be restored to the fund of the said Soldiers' Home: *Provided*, That no sale shall be made until at least sixty days' public notice thereof shall be given: *Provided, further*, That said sale be made within twelve months from and after the passage of this act; but said sale is not to take place unless the property shall bring at least $25,000.[2]

SEC. 2. That the said Commissioners of the Soldiers' Home, or such person as they may duly and legally appoint, shall, upon the full payment of the purchase-money for said Western Military Asylum, agreeably to the terms of sale, and upon the approval of such sale by the secretary of war, make and deliver to the purchaser or purchasers, on behalf of the United States, a deed in fee simple for said property.

[SEC. 3. Sec. 10 of 3 March, 1857, chap. 106, repealed.]

[1] Chap. 199, 3 March, 1855. See chap. 36, 7 February, 1857, and chap. 60, 28 February, 1861.

[2] This property cost $100,000, of which $10,000 was appropriated by Congress; but it had not been sold at the date of this publication.

CHAPTER 163.—Approved, June 21, 1860.—Vol. 12, p. 67.

An Act making appropriations for the support of the army for the year ending thirtieth June, one thousand eight hundred and sixty-one.

For the manufacture and purchase of apparatus and equipments for field signals, two thousand dollars, and that there be added to the staff of the army one signal officer, with the rank, pay, and allowances of a major of cavalry, who shall have charge, under the direction of the secretary of war, of all signal duty and of all books, papers, and apparatus connected therewith.

SEC. 2. That there be added to the medical corps of the army four surgeons and four assistant surgeons,[1] to be appointed in accordance with the existing laws.

SEC. 4. That the allowance of sugar and coffee to the non-commissioned officers, musicians, and privates of the army, as fixed by the seventeenth section of the act of 5 July, 1838, shall hereafter be ten pounds of coffee and fifteen pounds of sugar[2] for every one hundred rations.

SEC. 8. That upon the passage of this act, or as soon thereafter as practicable, a commission shall be appointed in the manner hereinafter designated, to consist of two senators, two members of the house of representatives, and two officers of the army, which commission shall examine into the organization, system of discipline, and course of instruction of the United States Military Academy, with a view to ascertain what modification or changes, if any, are desirable, in order that the academy shall best accomplish the object of its establishment. That the said commission shall report[3] the result of its examination to the President of the senate and Speaker of the house of representatives. That the Commissioners from the senate shall be appointed by the President of the senate, those from the house of representatives by the Speaker of the house, and those from the army by the President of the United States.

[SEC. 9. $15,000 appropriated to defray the expenses of the commission.]

[1] The medical corps was further increased by sec. 2, chap. 42, 3 Aug. 1861, and by chapters 55 and 127, July, 1862.

[2] Was 6 pounds of coffee and 12 pounds of sugar by that act, chap. 162.

[3] The commission, consisting of Jefferson Davis and Solomon Foot of the Senate, and John Cochrane of the House, and Major Robert Anderson and Captain A. A. Humphreys of the army, reported a bill to reorganize the Military Academy, which has not been considered by Congress.

CHAPTER 205.—Approved, June 23, 1860.—Vol. 12, p. 91.

An Act making appropriations for the legislative, executive, and judicial expenses of government for the year ending June thirtieth, one thousand eight hundred and sixty-one.

SEC. 3.[1] [That all purchases and contracts for supplies or services in any of the departments of the government, except for personal services, when the public exigencies do not require the immediate delivery of the article or articles, or performance of the service, shall be made by advertising, a sufficient time previously, for proposals respecting the same. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold or such services engaged between individuals. No contract or purchase shall hereafter be made unless the same be authorized by law, or be under an appropriation adequate to its fulfilment, except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.]

No arms nor military supplies whatever, which are of a patented invention, shall be purchased, nor the right of using or applying any patented invention, unless the same shall be authorized by law and the appropriation therefor explicitly set forth that it is for such patented invention.

CHAPTER 49.—Approved, February 21, 1861.—Vol. 12, p. 147.

An Act making appropriations for the naval service for the year ending thirtieth June, one thousand eight hundred and sixty-two.

SEC. 5. That the third section of the act entitled "An act[2] making appropriations for the legislative, executive, and judicial expenses of the government for the year ending 30 June, 1861," approved June 23, 1860, be, and the same is hereby, repealed, except so far as the said section prohibits the purchase of patented fire-arms, as to which the said section shall still be in force.[3]

[1] Sec. 5, chap. 49, 21 February, 1861, repeals this section, except so much thereof as relates to the purchase of patented fire-arms; but sec. 10, chap. 84, 2 March, 1861, after reinstating the part repealed, which is between brackets above, repeals the remainder of the section.

[2] Chap. 205, *ante*.

[3] Sec. 10, chap. 84, 2 March, 1861, repeals *all* of sec. 3, chap. 205, referred to above, but re-enacts all but the concluding sentence. See note thereto.

CHAPTER 60.—Approved, February 28, 1861.—Vol. 12, p. 177.

An Act to amend an Act[1] supplementary to an Act approved March third, one thousand eight hundred and fifty-five, to organize an institution for the insane of the army and navy of the District of Columbia, in the said District, approved February seventh, one thousand eight hundred and fifty-seven.

That, as a substitute for the second section of the supplementary act aforesaid, which is hereby repealed, the secretary of the interior shall have power to grant his order for the admission into the Government Hospital for the Insane of any insane person not charged with a breach of the peace, upon (1) the certificate of any judge of the circuit or criminal court for the District of Columbia, or of any justice of the peace of the District, stating that two respectable physicians, resident of the District, appeared before said judge or justice, and certified under oath, and under their hands, that they knew the person alleged to be insane, and that, from personal examination, they believed him or her to be insane and a fit subject for treatment in said hospital, and that he or she was a resident of the District at the time he or she was seized with the mental disorder under which he or she then labored; also stating that two respectable householders, residents of the District, appeared before him, the said judge or justice, and certified under oath, and under their hands, that they knew the person alleged to be insane, and that from a personal examination into his or her affairs they believe him or her to be unable to support himself or herself and family (or himself or herself, if he or she have no family) under the visitation of insanity, and to pay his or her board and other expenses in said hospital, and the certificate under oath of such physicians and of such householders shall accompany the certificate of such judge or justice; and (2) upon an application requesting that such order may be issued, made in writing, within five days after the date of the affidavits aforesaid, by a member of the Board of Visitors of said hospital, upon an inspection of said affidavits and certificate thereto; and it will be the duty of said visitor to withhold his application if he has reason to doubt the indigence of the party in whose behalf the application is desired, till such doubt is removed by testimony satisfactory to said visitor.

SEC. 2. That, if it shall appear in the case of any insane person

[1] Chap. 199.

whose insanity commenced while he or she was a resident of the District of Columbia, that he or she is able to defray a portion but not the whole of the expenses of his or her support and treatment in the Government Hospital for the Insane, then the Board of Visitors of the said hospital is authorized to inquire into the facts of the case; and if it shall appear to said board, upon such inquiry, that such insane person has property and no family, or more property than is required for the support of his or her family, then, as a condition upon which such insane person admitted, or to be admitted upon the order of the secretary of the interior, shall receive or continue to receive the benefits of said hospital, there shall be paid to the superintendent, from the income, property, or estate of such insane person, such portion of his expenses in said hospital as a majority of the said board shall determine to be just and reasonable under all the circumstances.

[*Approved, February* 28, 1861.]

CHAPTER 84.—Approved, March 2, 1861.—Vol. 12, p. 214.

An Act making appropriations for sundry civil expenses of the government for the year ending June thirtieth, one thousand eight hundred and sixty-two.

SEC. 10.[1] That all purchases and contracts for supplies or services in any of the departments of the government, except for personal services, when the public exigencies do not require the immediate delivery of the article or articles, or performance of the service, shall be made by advertising, a sufficient time previously, for proposals respecting the same. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold or such services engaged between individuals. No contract or purchase shall hereafter be made, unless the same be authorized by law, or be under an appropriation adequate to its fulfilment, except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities

[1] See sec. 3, chap. 205, 23 June, 1860, and sec. 5, chap. 49, 21 Feb. 1861, *ante*. These two sections, with the present, exhibit a curious specimen of awkward legislation.

of the current year. And the third section of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty-one,"[1] shall be, and the same is hereby, repealed.

[*Approved, March* 2, 1861.]

CHAPTER 3.—Approved, July 13, 1861.—Vol. 12, p. 255.

An Act further to provide for the collection of duties on imports, and for other purposes.

That whenever it shall, in the judgment of the President, by reason of unlawful combinations of persons in opposition to the laws of the United States, become impracticable to execute the revenue laws and collect the duties on imports by the ordinary means, in the ordinary way, at any port of entry in any collection district, he is authorized to cause such duties to be collected at any port of delivery in said district until such obstruction shall cease; and in such case the surveyors at said ports of delivery shall be clothed with all the powers and be subject to all the obligations of collectors at ports of entry; and the secretary of the treasury, with the approbation of the President, shall appoint such number of weighers, gaugers, measurers, inspectors, appraisers, and clerks as may be necessary, in his judgment, for the faithful execution of the revenue laws at said ports of delivery, and shall fix and establish the limits within which such ports of delivery are constituted ports of entry, as aforesaid; and all the provisions of law regulating the issue of marine papers, the coasting trade, the warehousing of imports, and collection of duties, shall apply to the ports of entry so constituted, in the same manner as they do to ports of entry established by the laws now in force.

SEC. 2. That if, from the cause mentioned in the foregoing section, in the judgment of the President, the revenue from duties on imports cannot be effectually collected at any port of entry in any collection district, in the ordinary way and by the ordinary means, or by the course provided in the foregoing section, then, and in that case, he may direct that the custom-house

[1] Chap. 205, *ante*.

for the district be established in any secure place within said district, either on land or on board any vessel in said district or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching said district, until the duties imposed by law on said vessels and their cargoes are paid in cash: *Provided*, That if the owner or consignee of the cargo on board any vessel detained as aforesaid, or the master of said vessel, shall desire to enter a port of entry in any other district in the United States where no such obstructions to the execution of the laws exist, the master of such vessel may be permitted so to change the destination of the vessel and cargo in his manifest, whereupon the collector shall deliver him a written permit to proceed to the port so designated: *And provided, further*, That the secretary of the treasury shall, with the approbation of the President, make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable.

SEC. 3. That it shall be unlawful to take any vessel or cargo detained as aforesaid from the custody of the proper officers of the customs, unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, it shall and may be lawful for the President, or such person or persons as he shall have empowered for that purpose, to employ such part of the army or navy or militia of the United States, or such force of citizen volunteers, as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof.

SEC. 4. That if, in the judgment of the President, from the cause mentioned in the first section of this act, the duties upon imports in any collection district cannot be effectually collected by the ordinary means and in the ordinary way, or in the mode and manner provided in the foregoing section of this act, then, and in that case, the President is hereby empowered to close the port or ports of entry in said district, and in such case give notice thereof by proclamation; and thereupon all right of import-

ation, warehousing, and other privileges incident to ports of entry, shall cease and be discontinued at such port so closed, until opened by the order of the President on the cessation of such obstructions; and if, while said ports are so closed, any ship or vessel from beyond the United States, or having on board any articles subject to duties, shall enter or attempt to enter any such port, the same, together with its tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

SEC. 5. That whenever the President, in pursuance of the provisions of the second section of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for that purpose,"[1] approved February twenty-eight, seventeen hundred and ninety-five, shall have called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when said insurgents claim to act under the authority of any state or states, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such state or states, or in the part or parts thereof in which said combination exists, nor such insurrection suppressed by said state or states, then, and in such case, it may and shall be lawful for the President, by proclamation, to declare that the inhabitants of such state, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from said state or section into the other parts of the United States, and all proceeding to such state or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such state or section, be forfeited to the United States.

[*Approved, July* 13, 1861.]

[1] Chap. 36.

CHAPTER 9.—Approved, July 22, 1861.—Vol. 12, p. 268.

An Act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property.[1]

1. Volunteers not exceeding five hundred thousand may be accepted to suppress insurrections, &c. Term of enlistment, disbandment. To be called by proclamation and in proportion to population of states. 2. To be subject to army rules and regulations. How to be formed. Infantry regiments, how to be made up. 3. Divisions and brigades, how composed and officered. 4. Major-generals and brigadier-generals to be appointed. May be selected from regular army, and retain their rank therein. Field, staff, and company officers, how commissioned. 5. Pay to be that of same grade in the army. Clothing, three dollars and fifty cents per month. Commutation of subsistence and travel. Cavalry companies may be furnished with horses as in the army. 6. Provisions for wounded, or disabled, or killed, or dying in the service. 7. Pay of regimental bands. 8. Pay of wagoners, saddlers, regimental commissary-sergeants, and company quartermaster-sergeants. 9. Each regiment to have a chaplain. Appointment, qualifications, and duties. 10. Military board for examination of officers on commission. Effect of adverse report. Proviso. 11. Letters of volunteers need not be prepaid. 12. Allotment tickets provided for among volunteers.

Whereas, certain of the forts, arsenals, custom-houses, navy yards, and other property of the United States have been seized, and other violations of law have been committed, and are threatened, by organized bodies of men in several of the states, and a conspiracy has been entered into to overthrow the government of the United States: Therefore—

That the President be, and he is hereby, authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers, not exceeding five hundred thousand,[2] as he may deem necessary, for the purpose of repelling invasion, suppressing insurrection, enforcing the laws, and preserving and protecting the public property: *Provided*, That the services of the volunteers shall be for such time as the President may direct, not exceeding three years nor less than six months, and they shall be disbanded at the end of the war. And all provisions of law applicable to three-years volunteers shall apply to two-years volunteers, and to all volunteers who have been or may be accepted into the service of the United States for a period not less than six months, in the same manner as if such volunteers

[1] See additional act, chap. 17, 25 July, 1861, *post*.
[2] See chap. 17, 25 July, 1861, *post*.

were specially named. Before receiving into service any number of volunteers exceeding those now called for and accepted, the President shall, from time to time, issue his proclamation,[1] stating the number desired, either as cavalry, infantry, or artillery, and the states from which they are to be furnished, having reference, in any such requisition, to the number then in service from the several states, and to the exigencies of the service at the time, and equalizing, as far as practicable, the number furnished by the several states, according to federal population.

SEC. 2. That the said volunteers shall be subject to the rules and regulations governing the army of the United States, and that they shall be formed by the President into regiments of infantry, with the exception of such numbers for cavalry and artillery as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organized as in the regular service. Each regiment of infantry shall have one colonel, one lieutenant-colonel, one major, one adjutant, (a lieutenant,) one quartermaster, (a lieutenant,) one surgeon, and one assistant surgeon, one sergeant-major, one regimental quartermaster-sergeant, one regimental commissary-sergeant, one hospital steward, ~~two principal musicians, and twenty-four musicians for a band,~~[2] and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates.

SEC. 3. That these forces, when accepted as herein authorized, shall be organized into divisions of three or more brigades each; and each division shall have a major-general, three aids-de-camp, and one assistant adjutant-general with the rank of major. Each brigade shall be composed of four or more regiments, and shall have one brigadier-general, two aids-de-camp, one assistant adjutant-general with the rank of captain, one surgeon,[3] one assistant quartermaster, and one commissary of subsistence.

SEC. 4. That the President shall be authorized to appoint, by

[1] President may accept without proclamation, and in such numbers, from any state or states, as in his discretion the public service may require, by chap. 34, 31 July, 1861; and see chap. 17, sec. 1, 25 July, 1861.

[2] Repealed by sec. 5, chap. 200, 17 July, 1862.

[3] Two assistant surgeons, by sec. 3, chap. 127, 2 July, 1862, *post*.

and with the advice and consent of the senate, for the command of the forces provided for in this act, a number of major-generals, not exceeding *six*, and a number of brigadier-generals, not exceeding *eighteen*[1] and the other division and brigade officers required for the organization of these forces, except the aids-de-camp, who shall be selected by their respective generals from the officers of the army or volunteer corps: *Provided*, That the President may select the major-generals and brigadier-generals provided for in this act from the line or staff of the regular army, and the officers so selected shall be permitted to retain their rank therein. The governors of the states furnishing volunteers under this act shall commission the field, staff, and company officers requisite for the said volunteers; but in cases where the state authorities refuse or omit to furnish volunteers at the call or on the proclamation of the President, and volunteers from such states offer their services under such call or proclamation, the President shall have power to accept such services, and to commission the proper field, staff, and company officers.

SEC. 5. That the officers, non-commissioned officers, and privates, organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the regular army: *Provided*, That the allowances of non-commissioned officers and privates for clothing, when not furnished in kind, shall be three dollars and fifty cents per month, and that each company officer, non-commissioned officer, private, musician, and artificer of cavalry shall furnish his own horse and horse-equipments, *and shall receive forty cents per day for their use and risk*,[2] except that in case the horse shall become disabled, or shall die, the allowance shall cease until the disability be removed or another horse be supplied. Every volunteer non-commissioned officer, private, musician, and artificer who enters the service of the United States under this act, shall be paid at the rate of fifty cents in lieu of subsistence, and, if a cavalry volunteer, twenty-five cents additional in lieu of forage,[3] for every twenty miles of

[1] Such number of major-generals and brigadier-generals as may in his judgment be required for their organization. See chap. 17, 25 July, 1861, but limited to forty and two hundred, respectively, by sec. 1, chap. 133, 5 July, 1862.

[2] These words in italics repealed by sec. 10, chap. 200, 17 July, 1862.

[3] Same provision in sec. 10, chap. 29, 18 June, 1846.

travel from his place of enrolment to the place of muster, the distance to be measured by the shortest usually travelled route; and, when honorably discharged, an allowance at the same rate from the place of his discharge to his place of enrolment, and, in addition thereto, if he shall have served for a period of two years, or during the war, if sooner ended, the sum of one hundred dollars: *Provided*, That such of the companies of cavalry herein provided for as may require it may be furnished with horses and horse-equipments in the same manner as in the United States army.

SEC. 6.[1] That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service;[2] and the widow, if there be one, and, if not, the legal heirs, of such as die or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of one hundred dollars.

SEC. 7. That the bands of the regiments of infantry and of the regiments of cavalry shall be paid as follows: one-fourth of each shall receive the pay and allowances of sergeants[3] of engineer soldiers, one-fourth those of corporals[4] of engineer soldiers, and the remaining half those of privates[5] of engineer soldiers of the first class, *and the leaders of the band shall receive the same pay and emoluments as second lieutenants of infantry.*[6]

SEC. 8. That the wagoners and saddlers shall receive the pay and allowances of corporals[7] of cavalry; the regimental commissary-sergeant shall receive the pay and allowances of regimental sergeant-major,[8] and the regimental quartermaster-sergeant shall receive the pay and allowances of a *sergeant of cavalry.*[9]

SEC. 9. That there shall be allowed to each regiment one chaplain, who shall be appointed by the regimental commander on the vote of the field-officers and company-commanders on duty with the regiment at the time the appointment shall be

[1] See sec. 3, chap. 144, 11 July, 1862, *post*, for those enlisting in 1862.
[2] See chap. 166, 14 July, 1862.
[3] $34 per month.
[4] $20 per month.
[5] $17 per month.
[6] Reduced to $45, &c., by sec. 6, chap. 200, 17 July, 1862.
[7] $14 per month.
[8] $21 per month.
[9] Regimental commissary-sergeant, by sec. 4, chap. 200, 17 July, 1862.

made. The chaplain so appointed must be a regular ordained minister of a Christian denomination, and shall receive the pay and allowances of a captain of cavalry,[1] and shall be required to report to the colonel commanding the regiment to which he is attached, at the end of each quarter, the moral and religious condition of the regiment, and such suggestions as may conduce to the social happiness and moral improvement of the troops.

SEC. 10. That the general commanding a separate department or a detached army is hereby authorized to appoint a military board or commission of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualifications, propriety of conduct, and efficiency of any commissioned officer of volunteers within his department or army, who may be reported to the board or commission, and upon such report, if adverse to such officer, and if approved by the President of the United States, the commission of such officer shall be vacated: *Provided, always,* That no officer shall be eligible to sit on such board or commission whose rank or promotion would in any way be affected by its proceedings, and two members, at least, if practicable, shall be of equal rank of the officer being examined. *And when vacancies occur in any of the companies of volunteers, an election shall be called by the colonel of the regiment to fill such vacancies, and the men of each company shall vote in their respective companies for all officers as high as captain, and vacancies above captain shall be filled by the votes of the commissioned officers of the regiment, and all officers so elected shall be commissioned by the respective governors of the states, or by the President of the United States.*[2]

SEC. 11. That all letters written by soldiers in the service of the United States may be transmitted through the mails without prepayment of postage, under such regulations as the Post-Office Department may prescribe, the postage thereon to be paid by the recipients.

SEC. 12. That the secretary of war be, and he is hereby, authorized and directed to introduce among the volunteer forces in the service of the United States the system of allotment tickets now used in the navy, or some equivalent system,

[1] $148.50 per month; but see sec. 8 and 9, chap. 200, 17 July, 1862.
[2] All in italics repealed by sec. 3, chap. 57, 6 August, 1861.

by which the family of the volunteer may draw such portions of his pay as he may request.[1]

[*Approved, July* 22, 1861.]

[By chap. 15, July 24, 1861, vol. 12, p. 273, $11,500 appropriated to pay certain musicians and soldiers stationed at Fort Sumter, South Carolina, for losses of private property sustained by them in removing from Fort Moultrie to Fort Sumter, 26 December, 1860.]

CHAPTER 16.—Approved, July 24, 1861.—Vol. 12, p. 274.

An Act for the relief of the Ohio and other volunteers.

Whereas the War Department has decided that the term of service of the ninety days' volunteers, called out under the act of seventeen hundred and ninety-five, commenced only on the day when they were actually sworn into the service of the United States; and whereas the troops now in service of the United States from the state of Ohio were not sworn into said service until some days after their organization and acceptance as companies by the governor of said state, and that for such period, under existing laws, no payment can be made: Therefore, That the proper disbursing officer compute and pay to the said volunteers compensation from the day of their organization and acceptance as companies by the governor of the state of Ohio, as aforesaid, until the expiration of their term of service.

SEC. 2. That where the militia of other states are situated similarly with those of Ohio, the War Department pay them according to the provisions of the foregoing section.

[*Approved, July* 24, 1861.]

CHAPTER 17.—Approved, July 25, 1861.—Vol. 12, p. 274.

An Act in addition to the "Act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July twenty-second, eighteen hundred and sixty-one.[2]

That the President of the United States be, and he is hereby, authorized to accept the services of volunteers, either as cavalry,

[1] See chap. 4, 24 Dec. 1861.

[2] Chap. 9

infantry, or artillery,[1] in such numbers as the exigencies of the public service may, in his opinion, demand, to be organized as authorized by the act of the twenty-second of July, eighteen hundred and sixty-one: *Provided*, That the number of troops hereby authorized shall not exceed five hundred thousand.[2]

SEC. 2. That the volunteers authorized by this act shall be armed as the President may direct; they shall be subject to the rules and articles of war, and shall be upon the footing, in all respects, with similar corps of the United States army, and shall be mustered into the service for "during the war."

SEC. 3. That the President shall be authorized to appoint, by and with the advice and consent of the senate, for the command of the volunteer forces,[3] such number of major-generals and of brigadier-generals as may, in his judgment, be required for their organization.

[*Approved, July* 25, 1861.]

CHAPTER 21.—Approved, July 27, 1861.—Vol. 12, p. 276.

An Act to indemnify the States for expenses incurred by them in defence of the United States.[4]

That the secretary of the treasury be, and he is hereby, directed, out of any money in the treasury not otherwise appropriated, to pay to the governor of any state, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such state for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the treasury.

[1] See sec. 1, chap. 9, 22 July, 1861, and sec. 2, chap. 34, 31 July, 1861.

[2] This was not intended to authorize more than 500,000 men *in all*.

[3] Limited to forty major-generals and two hundred brigadiers, by sec. 1, chap. 133, 5 July, 1862.

[4] For same during Mexican war, see Res. 7, 3 March, 1847, and chap. 60, 2 June, 1848, sec. 1. See also Res. 16, 8 March, 1862, *post*, declaring the meaning of this act.

CHAPTER 24.—Approved, July 29, 1861.—Vol. 12, p. 279.

An Act to increase the present military establishment of the United States.

1. Increase of military establishment. Organization of infantry regiments. Battalions. Companies. Cavalry regiments. Squadrons. Artillery regiments. Batteries. 2. Field and staff, commissioned and non-commissioned officers. Infantry regiments. Cavalry regiments. 3. Four major-generals and six brigadier-generals added to the army. 4. Pay of officers and men of regimental bands, of saddler and other sergeants of battalion, adjutant and quartermaster and commissaries. 5. Term of enlistment. 6. This increase to last during rebellion; in one year after to be reduced to twenty-five thousand men. 7. Provision for disbandment. Officers of regular army to be restored to army. 8. Enlistments to be in charge of officers appointed from civil life. Other officers to be on duty in the field.

That there shall be added to the regular army, as now authorized by law, nine regiments of infantry, one regiment of cavalry, and one regiment of artillery;[1] each regiment of infantry to consist of not less than two nor more than three battalions, as the exigencies of the public service may, in the opinion of the President of the United States, demand; each battalion to consist of eight companies; each company to consist of one captain, one first and one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, and as many privates, not exceeding eighty-two, as the President of the United States may, according to the requirements of military service, direct. *The regiment of cavalry*[2] *hereby authorized shall consist of not more than three battalions of not more than two squadrons each; and each squadron shall consist of two companies, each company to be composed of one captain, one first and one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two musicians, two farriers, one saddler, one wagoner, and as many privates, not exceeding seventy-two, as the President of the United States may, according to the requirements of the military service, direct.* The regiment of artillery hereby authorized shall consist of not more than twelve batteries; and each battery shall consist of one captain, one first and one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight

[1] The regular army will now consist of 30 regiments, viz.: 19 of infantry, 6 of cavalry, and 5 of artillery.

[2] For cavalry organization, see sec. 11, chap. 201, 17 July, 1862.

corporals, two musicians, two artificers, one wagoner, and as many privates, not exceeding one hundred and twenty-two, as the President of the United States may, according to the requirements of the military service, direct. And there may be added to the aforesaid battery organization, at the discretion of the President, having due regard to the public necessities and means, one first and one second lieutenant, two sergeants, and four corporals.

SEC. 2. That the field and staff commissioned and non-commissioned officers of the regiments hereinbefore authorized shall be as follows: To each regiment of infantry, one colonel, one lieutenant-colonel, one regimental adjutant, one regimental quartermaster and commissary, one drum-major or leader of the band, and two principal musicians; and to each battalion of infantry, one major, one battalion adjutant, one battalion quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, and one hospital steward; the regimental and battalion adjutants, and quartermasters and commissaries, to be taken from the lieutenants of the regiments and battalions, respectively: *To the regiment of cavalry,*[1] *one colonel, one lieutenant-colonel, one regimental adjutant, one regimental quartermaster and commissary, and two chief buglers; and to each battalion of cavalry, one major, one battalion adjutant, one battalion quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one hospital steward, one saddler sergeant, and one veterinary sergeant; the regimental adjutant and the regimental and battalion quartermasters and commissaries to be taken from the lieutenants of the regiments and battalions, respectively.* To the regiment of artillery, one colonel, one lieutenant-colonel, one major to every four batteries, one adjutant, one regimental quartermaster and commissary, to be taken from the lieutenants of the regiment, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, two principal musicians, and one hospital steward; and the bands of the regular regiments shall consist of not more than twenty-four musicians for each regiment of infantry and artillery, and sixteen musicians for each regiment of mounted troops.

SEC. 3. That there shall be added to the army of the United

[1] For cavalry organization, see sec. 11, chap. 201, 17 July, 1862.

States the following general officers, namely: Four major-generals,[1] with three aids-de-camp each, to be taken from captains or lieutenants of the army, and six brigadier-generals,[2] with two aids-de-camp each, to be taken from the lieutenants of the army.

SEC. 4. That the officers and enlisted men raised in pursuance of the foregoing sections shall receive the same pay, emoluments, and allowances, and be on the same footing, in every respect, with those of corresponding grades and corps now in the regular service. The regimental bands will be paid as follows: one-fourth of each, the pay and allowances of sergeants of engineer soldiers; one-fourth, those of corporals of engineer soldiers; and one-half, those of engineer soldiers of the first class. The drum-major, or leader of the band, the pay and emoluments of a second lieutenant of infantry. The saddler sergeants, veterinary sergeants, company quartermaster-sergeants, and drum-majors, will receive the pay and allowances of sergeants of cavalry. The battalion adjutant and battalion quartermasters and commissaries will receive the emoluments now provided by law for regimental adjutants.

SEC. 5. That the term of enlistments made and to be made in the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, in the regular army, including the force authorized by this act, shall be for the period of three years, and those to be made after January one, eighteen hundred and sixty-three, shall be for the term of five years, as at present authorized, and that the men enlisted in the regular forces, after the first day of July, eighteen hundred and sixty-one, shall be entitled to the same bounties, in every respect, as those allowed or to be allowed to the men of the volunteer forces.[3]

SEC. 6. That the increase of the military establishment created or authorized by this act is declared to be for service during the existing insurrection and rebellion; and within one year after the constitutional authority of the government of the United States shall be re-established, and organized resistance to such authority shall no longer exist, the military establish-

[1] One before.
[2] Three before.
[3] $100 at end of enlistment; and see sec. 6, chap. 9, 25 July, 1861; and see chap. 201, sec. 3, 17 July, 1862.

ment may[1] be reduced to a number not exceeding twenty-five thousand men, unless otherwise ordered by Congress.

SEC. 7. That the President of the United States shall cause regiments, battalions, and companies to be disbanded, and officers, non-commissioned officers, musicians, and privates to be discharged, so as to reduce the military establishment as is provided by the preceding section: *Provided*, That all of the officers of the regular army who have been or may be detached or assigned to duty for service in any other regiment or corps shall resume their positions in the regular army, and shall be entitled to the same rank, promotion, and emoluments as if they had continued to serve in their own regiments or corps.

SEC. 8. That the enlistments for the regiments authorized by this act shall be in charge of the officers detailed for that purpose who are appointed to said regiments from civil life; and that in the mean time the officers appointed to the same from the regular army shall be detailed by the commanding general to such service in the volunteer regiments now in the field, as will, in his judgment, give them the greatest military instruction and efficiency; and that the commanding general may, in his discretion, employ said officers with any part of the regular forces now in the field, until the regiments authorized by this act shall have been fully recruited, and detail any of the officers now in the regular army to service with the volunteer regiments now in the field, or which may hereafter be called out, with such rank as may be offered them in said volunteer regiments, for the purpose of imparting to them military instruction and efficiency.

[*Approved, July* 29, 1861.]

CHAPTER 25.—Approved, July 29, 1861.—Vol. 2, p. 281.

An Act to provide for the suppression of rebellion against, and resistance to, the laws of the United States, and to amend the Act entitled "An Act to provide for calling forth the militia to execute the laws of the Union," &c., passed February twenty-eight, seventeen hundred and ninety-five.[2]

1 President may call forth the militia and use the land and naval forces. 2. He is to command, by proclamation, the insurgents to disperse. 3. Militia to be sub-

[1] This was intended to be obligatory.

[2] Chap. 36.

ject to rules of war, and to serve till discharged by proclamation: Provided. Their pay. 4. Penalty for disobedience of President's orders. 5. How court-martial to be composed. 6. How fines to be collected and paid. 7. Marshals in their districts to have the authority of sheriffs.

That whenever, by reason of unlawful obstructions, combinations or assemblages of persons, or rebellion against the authority of the government of the United States, it shall become impracticable, in the judgment of the President of the United States, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any state or territory of the United States, it shall be lawful for the President of the United States to call forth the militia of any or all the states of the Union, and to employ such parts of the land and naval[1] forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion in whatever state or territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed.

SEC. 2. That whenever, in the judgment of the President, it may be necessary to use the military force hereby directed to be employed and called forth by him, the President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time.

SEC. 3. That the militia so called into the service of the United States shall be subject to the same rules and articles of war as the troops of the United States, and be continued in the service of the United States until discharged by proclamation of the President: *Provided*, That such continuance in service shall not extend beyond sixty days after the commencement of the next regular session of Congress, unless Congress shall expressly provide by law therefor: *And provided, further*, That the militia so called into the service of the United States shall, during their time of service, be entitled to the same pay, rations, and allowances for clothing as are or may be established by law for the army of the United States.

SEC. 4.[2] That every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the

[1] See chap. 39, 3 March, 1807. See chap. 201, July, 1862.

[2] Sec. 4, 5, and 7 of this act are the same as sec. 5, 6, and 9 of chap. 36, 28 Feb. 1795.

President of the United States in any of the cases before recited, shall forfeit a sum not exceeding one year's pay and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall be liable to be cashiered by a sentence of court-martial, and be incapacitated from holding a commission in the militia, for a term not exceeding twelve months, at the discretion of the court; and such non-commissioned officer and private shall be liable to imprisonment by a like sentence, on failure of payment of the fines adjudged against them, for one calendar month for every twenty-five dollars of such fine.

SEC. 5. That courts-martial for the trial of militia shall be composed of militia officers only.

SEC. 6. That all fines to be assessed as aforesaid shall be certified by the presiding officer of the court-martial, and shall be collected and paid over according to the provisions and in the manner prescribed by the seventh and eighth sections of the act of February twenty-eight, seventeen hundred and ninety-five,[1] to which this is an amendment.

SEC. 7. That the marshals of the several districts of the United States, and their deputies, shall have the same powers in executing the laws of the United States as sheriffs and their deputies in the several states have, by law, in executing the laws of the respective states.

SEC. 8. That sections 2, 3, and 4 of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes,"[2] approved February 28, 1795, and so much of residue of said act and of all other acts as conflict with this act, are hereby repealed.

[*Approved, July* 29, 1861.]

CHAPTER 28.—Approved, July 31, 1861.—Vol. 12, p. 283.

An Act making an appropriation to pay the expenses of transporting and delivering arms and munitions of war to the loyal citizens of the states of which the inhabitants now are or hereafter may be in rebellion against the government of the United States, and to provide for the expense of organizing them into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion.

That the sum of two millions of dollars be, and the same is

[1] Chap. 36. [2] Chap. 36.

hereby, appropriated out of any money in the treasury not otherwise appropriated, to be expended, under the direction of the President of the United States, in supplying and defraying the expenses of transporting and delivering such arms and munitions of war as in his judgment may be expedient and proper to place in the hands of any of the loyal citizens residing in any of the states of which the inhabitants are in rebellion against the government of the United States, or in which rebellion is or may be threatened; and likewise for defraying such expenses as may be properly incurred in organizing and sustaining, while so organized, any of said citizens into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion.

[*Approved, July* 31, 1861.]

CHAPTER 34.—Approved, July 31, 1861.—Vol. 12, p. 284.

An Act authorizing the secretary of war to reimburse volunteers for expenses incurred in employing regimental and other bands, and for other purposes.

That the secretary of war be, and he is hereby, authorized and directed to refund, out of any money in the treasury not otherwise appropriated, to the volunteers called out by the President's proclamation of the fifteenth April, one thousand eight hundred and sixty-one, such sums of money as may have been expended by the said volunteers in the employment of regimental or company bands during the period of their service under said proclamation: *Provided*, The amount to be allowed shall not exceed that to be paid to volunteer bands regularly mustered into the service under the President's proclamation of May third, one thousand eight hundred and sixty-one.

SEC. 2. That the President, in accepting and organizing volunteers under the act entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July twenty-two, eighteen hundred and sixty-one,[1] may accept the service of such volunteers without previous proclamation, and in such numbers from any state or states, as, in his discretion, the public service may require.

[1] Chap. 9.

CHAPTER 42.—Approved, August 3, 1861.—Vol. 12, p. 287.

An Act providing for the better organization of the military establishment.

1. Assistant Secretary of War. Salary. Duties. 2. Assistant inspector-generals. Surgeons and assistant surgeons. Organization of the adjutant-general's office. Increase of the subsistence department. 3. Increase of engineer and topographical engineer department; of the quartermaster's department. Promotion to major in. Master-wagoners and wagoners to be employed. Increase of ordnance department, how selected and transferred. 4. Engineer soldiers, three companies of, authorized. Pay, organization, &c. 5. Medical cadets added to medical staff. Rank, pay, qualifications, &c. 6. Female nurses authorized; their pay, &c. 7. One chaplain allowed to each regiment, to be regularly ordained ministers, &c. 8. Cadets reported deficient not to be reappointed, except. Cadets to take the oath. Form of oath. Refusing to take the oath, to be dismissed. 11. Any commissioned officer may administer oath of enlistment. 12. Dragoons, mounted rifles, and cavalry, to be denominated cavalry. Brevet officers to retain their rank. 13. Increase of army ration during Southern rebellion. 14. Allowance to hospitals. 15, 16, 17. Mode of retiring disabled officers. 18. Officers partially retired may wear uniform, &c. 19. Officers absent from duty over six months forfeit emoluments and allowances. 25. Retired officers may be assigned to appropriate duties.

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the senate, an officer in the War Department, to be called the Assistant Secretary of War, whose salary shall be three thousand dollars per annum, payable in the same manner as that of the secretary of war,[1] who shall perform all such duties in the office of the secretary of war, belonging to that department, as shall be prescribed by the secretary of war, or as may be required by law.

SEC. 2. That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the senate, in addition to the number authorized by existing laws and in accordance with existing regulations, five assistant inspector-generals,[2] with the rank and pay of majors of cavalry, ten surgeons, and twenty assistant surgeons,[3] to have the pay, rank, and allowances, and perform the duties, of similar officers in the present military establishment. That, hereafter, the adjutant-general's department shall consist of the following officers,

[1] See chap. 7, 7 Aug. 1789, *ante*, and for two more assistant secretaries, see chap. 9. 22 January, 1862.

[2] Now 4 inspector-generals, and 5 assistants.

[3] For further increase and organization of medical department, see chap. 55, 16 April, 1862, and chap. 127, 20 May, 1862, and chap. 200, sec. 18, 2 July, 1862.

namely: one adjutant-general, with the rank, pay, and emoluments of a brigadier-general; one assistant adjutant-general, with the rank, pay, and emoluments of a colonel of cavalry; two assistant adjutant-generals, with the rank, pay, and emoluments each of a lieutenant-colonel of cavalry; four assistant adjutant-generals, with the rank, pay, and emoluments each of a major of cavalry; and twelve assistant adjutant-generals, with the rank, pay, and emoluments each of a captain of cavalry; and that there shall be added to the subsistence department four commissaries of subsistence, each with the rank, pay, and emoluments of a major of cavalry; and eight commissaries of subsistence,[1] with the rank, pay, and emoluments each of a captain of cavalry, and to be taken from the line of the army, either of the volunteers or regular army.

SEC. 3. That there shall be added to each of the corps of engineers[2] and topographical engineers three first and three second lieutenants, to be promoted thereto in accordance with the existing laws and regulations. And there shall be added to the quartermaster's department one colonel, two lieutenant-colonels, four majors, and twenty captains,[3] with the rank, pay, and allowances of officers of cavalry; and whenever any army captain of the quartermaster's department shall have served fourteen years' continuous service, he shall be promoted to the rank of major; and that there shall be added to the quartermaster's department as many master-wagoners, with the rank, pay, and allowances of sergeants of cavalry,[4] and as many wagoners, with the pay and allowances of corporals of cavalry,[5] as the military service, in the judgment of the President, may render necessary. And there shall be added to the ordnance department of the United States army, as now organized,[6] one chief of ordnance, with the rank, pay, and emoluments of the quartermaster-general of the army; one colonel, one lieutenant-colonel, and six second lieutenants; the field officers to be appointed by selection from the officers of the army, and the second lieutenants from the graduates of the United States Military Academy, by trans-

[1] Making in that department 6 majors and 16 captains; but see new organization, sec. 22, chap. 200, 17 July, 1862.

[2] For further additions, see chaps. 57 and 58, 6 Aug. 1861.

[3] Making respectively 3, 4, 8, and 48 in that department.

[4] $17 per month.

[5] $14 per month.

[6] The ordnance department will consist of 1 chief of ordnance, 2 colonels, 2 lieutenant-colonels, 4 majors, 16 captains, 12 first and 12 second lieutenants.

fers from the engineers, or the topographical engineers, or the artillery.

SEC. 4. That there shall be added to the corps of engineers three companies of engineer soldiers, to be commanded by appropriate officers of said corps, to have the same pay and rations, clothing, and other allowances, and be entitled to the same benefits, in every respect, as the company created by the act for the organization of a company of sappers and miners and pontoniers, approved May sixteen (15), eighteen hundred and forty-six.[1] The said three companies shall be subject to the rules and articles of war; shall be recruited in the same manner and with the same limitation, shall be instructed in and perform the same duties, and be liable to serve in the same way, and shall have their vehicles, pontons, tools, implements, arms, and other supplies regulated in the same manner, as the existing engineer company; and each of the four companies of engineer soldiers shall hereafter be composed of ten sergeants, ten corporals, two musicians, sixty-four privates of the first class, or artificers, and sixty-four privates of the second class, in all one hundred and fifty men each.

SEC. 5. That there be added to the medical staff of the army a corps of medical cadets, whose duty it shall be to act as dressers in the general hospitals and as ambulance-attendants in the field, under the direction and control of the medical officers alone. They shall have the same rank and pay as the military cadets at West Point.[2] Their number shall be regulated by the exigencies of service, at no time to exceed fifty.[3] It shall be composed of young men of liberal education, students of medicine, between the ages of eighteen and twenty-three, who have been reading medicine for two years, and have attended at least one course of lectures in a medical college. They shall enlist for one year, and be subject to the rules and articles of war. On the fifteenth day of the last month of their service the near approach of their discharge shall be reported to the surgeon-general, in order, if desired, that they may be relieved by another detail of applicants.

SEC. 6. That in general or permanent hospitals female nurses

[1] Chap. 21.
[2] $30 per month, and by chap. 55, 16 April, 1862, allowed one ration a day.
[3] Twenty more added by chap. 55, 16 April, 1862.

may be substituted for soldiers when, in the opinion of the surgeon-general or medical officer in charge, it is expedient to do so; the number of female nurses to be indicated by the surgeon-general or surgeon in charge of the hospital. The nurses so employed to receive forty cents a day, and one ration in kind, or by commutation, in lieu of all emoluments except transportation in kind.

SEC. 7. That one chaplain shall be allowed to each regiment of the army, to be selected and appointed as the President may direct: *Provided,* That none but regularly ordained ministers of some Christian denomination shall be eligible to selection or appointment.[1]

SEC. 8. That no cadet who has been or shall hereafter be reported as deficient, either in conduct or studies, and recommended to be discharged from the academy, shall be returned or reappointed, or appointed to any place in the army before his class shall have left the academy and received their commissions, unless upon the recommendation of the academic board of the academy: *Provided,* That all cadets now in the service, or hereafter entering the Military Academy at West Point, shall be called on to take and subscribe the following oath: "I, A. B., do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the national government; that I will maintain and defend the sovereignty of the United States paramount to any and all allegiance, sovereignty, or fealty I may owe to any state, county, or country, whatsoever; and that I will at all times obey the legal orders of my superior officers and the rules and articles governing the armies of the United States." And any cadet or candidate for admission who shall refuse to take this oath shall be dismissed from the service.

SEC. 9. That the three months' extra pay allowed by the twenty-ninth section of the act of the 5th of July, 1838,[2] for re-enlistments under certain conditions, the bounty granted by the third section of the act of the 17th of June, 1850,[3] for enlistments at remote and distant stations, and the premium[4] now paid for bringing accepted recruits to the rendezvous, be, and they are hereby, abolished.

SEC. 10. That hereafter $2 per month shall be retained out of the monthly pay of each enlisted man in the regular army until the expiration of his

[1] See chap. 200, sec. 8, *post.* [2] Chap. 102. [3] Chap. 20.
[4] Premium restored by Resolution No. 34, 21 June, 1862.

term of service, instead of $1 per month, as authorized by existing laws.[1]

SEC. 11. That in all cases of enlistment and re-enlistment in the military service of the United States the prescribed oath of allegiance may be administered by any commissioned officer of the army.[2]

SEC. 12. That the two regiments of dragoons, the regiment of mounted riflemen, and the two regiments of cavalry, shall hereafter be known and recognized as the first, second, third, fourth, and fifth regiments of cavalry, respectively, the officers thereof to retain their present relative rank, and to be promoted as of one arm of service, according to existing law and established usage and regulations.

SEC. 13. That the army ration shall be increased as follows: viz., twenty-two ounces of bread or flour, or one pound of hard bread, instead of the present issue; fresh beef shall be issued as often as the commanding officer of any detachment or regiment shall require it, when practicable, in place of salt meat; beans and rice or hominy shall be issued in the same ration in the proportions now provided by the regulations, and one pound of potatoes per man shall be issued at least three times a week, if practicable; and when these articles cannot be issued in these proportions, an equivalent in value shall be issued in some other proper food; and a ration of tea may be substituted for a ration of coffee upon the requisition of the proper officer: *Provided*, That after the present insurrection shall cease, the ration shall be as provided by law and regulations on the first day of July, eighteen hundred and sixty-one.

SEC. 14. That there may be allowed in hospitals, to be provided under such rules as the surgeon-general of the army, with the approval of the secretary of war, may prescribe, such quantities of fresh or preserved fruits, milk or butter, and of eggs, as may be necessary for the proper diet of the sick.

SEC. 15. That any commissioned officer of the army, or of the marine corps, who shall have served as such for forty consecutive years, may, upon his own application to the President of the United States, be placed upon the list of retired officers, with the pay and emoluments allowed by this act.

[1] Chap. 194, 7 July, 1838. This section repealed by sec. 10, chap. 200, 17 July, 1862.
[2] See art. 10, rules and articles of war, chap. 20, 10 April, 1806.

SEC. 16. That if any commissioned officer of the army, or of the marine corps, shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments, namely: the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, and four rations per day, and without any other pay, emoluments, or allowances; and the next officer in rank shall be promoted to the place of the retired officer according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That should the brevet lieutenant-general be retired under this act, it shall be without reduction in his current pay, subsistence, or allowances: *And provided, further*, That there shall not be on the retired list at any one time more than seven per centum of the whole number of officers of the army, as fixed by law.

SEC. 17. That, in order to carry out the provisions of this act, the secretary of war, or secretary of the navy, as the case may be, under the direction and approval of the President of the United States, shall, from time to time, as occasion may require, assemble a board of not more than nine nor less than five commissioned officers, two-fifths of whom shall be of the medical staff, the board, except those taken from the medical staff, to be composed, as far as may be, of his seniors in rank, to determine the facts as to the nature and occasion of the disability of such officers as appear disabled to perform such military service, such board being hereby invested with the powers of a court of inquiry and court-martial; and their decision shall be subject to like revision as that of such courts by the President of the United States. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the said incapacity result from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service. If so, and the President approve such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. If otherwise,

and if the President concur in opinion with the board, the officer shall be retired, as above, either with his pay proper alone or with his service rations alone, at the discretion of the President, or he shall be wholly retired from the service, with one year's pay and allowances; and in this last case his name shall be thenceforward omitted from the Army Register or Navy Register, as the case may be: *Provided, always,* That the members of the board shall in every case be sworn to an honest and impartial discharge of their duties, and that no officer of the army shall be retired, either partially or wholly, from the service without having had a fair and full hearing before the board, if, upon due summons, he shall demand it.

SEC. 18. That the officers partially retired shall be entitled to wear the uniform of their respective grades, shall continue to be borne upon the Army Register or Navy Register, as the case may be, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach of the said articles.

SEC. 19. That so much of the sixth section of the act of August 23, 1842,[1] as allows additional or double rations to the commandant of each permanent or fixed post garrisoned with troops, be, and the same is hereby, repealed.

SEC. 20. That officers of the army, when absent from their appropriate duties for a period exceeding six months, either with or without leave, shall not receive the allowances authorized by the existing laws for servants, forage, transportation of baggage, fuel, and quarters, either in kind or in commutation.

[Sections 21, 22, 23, and 24, being exclusively for retiring naval officers, are omitted here.]

SEC. 25. That retired officers of the army, navy, and marine corps may be assigned to such duties as the President may deem them capable of performing, and such as the exigencies of the public service may require.

[*Approved, August* 3, 1861.]

[1] Chap. 186, which included the superintendent of the Military Academy at West Point as the commandant of that post.

CHAPTER 47.—Approved, August 5, 1861.—Vol. 12, p. 314.

An Act supplementary to an Act entitled "An Act to increase the present military establishment of the United States," approved July twenty-ninth, eighteen hundred and sixty-one.[1]

That it shall be lawful for the President of the United States, during the existing insurrection and rebellion, upon the recommendation of the lieutenant-general commanding the army of the United States, or of any major-general of the regular army of the United States, commanding forces of the United States in the field, to appoint such number of aids-de-camp, in addition to those now authorized by law, as the exigencies of the service may, in the opinion of the President, require; such aids-de-camp to bear respectively the rank and authority of captains, majors, lieutenant-colonels, or colonels of the regular army, as the President may direct, and to receive the same pay and allowances as are provided by existing laws for officers of cavalry of corresponding rank. The President shall cause all aids-de-camp appointed under this act to be discharged whenever they shall cease to be employed in active service, and he may reduce the number so employed whenever he may deem it expedient so to do. Any officers of the regular army appointed aids-de-camp under this act, and detached or assigned to duty for service as such, shall, upon their discharge, resume their positions in the regular army, and shall be entitled to the same rank and promotion as if they had continued to serve in their own regiments or corps.

CHAPTER 54.—Approved, August 5, 1861.—Vol. 12, p. 316.

An Act making appropriations for fortifications and for other purposes.

[SEC. 1. Appropriates $100,000 for contingencies of fortifications.]

SEC. 2. That any commissioned officer of the army, navy, or marine corps who, having tendered his resignation, shall, prior to due notice of the acceptance of the same by the proper authority, and without leave, quit his post or proper duties with the intent to remain permanently absent therefrom, shall be registered as a deserter, and punished as such.

SEC. 3. That flogging as a punishment in the army is hereby abolished.

[1] Chap. 24; but this act is repealed by chap. 200, sec. 19, 17 August, 1862; but the repeal did not dismiss those who held commissions under it at that date, provided they were appointed in strict conformity with the act, and the 7th section of chap. 133, July 5, 1862, requires that they be nominated to the senate for its advice and consent.

CHAPTER 56.—Approved, August 6, 1861.—Vol. 12, p. 317.

An Act to punish certain crimes against the United States.[1]

That if any person shall be guilty of the act of recruiting soldiers or sailors in any state or territory of the United States to engage in armed hostility against the United States, or who shall open a recruiting station for the enlistment of such persons, either as regulars or volunteers, to serve as aforesaid, shall be guilty of a high misdemeanor, and upon conviction in any court of record having jurisdiction of the offence, shall be fined a sum not less than two hundred dollars nor more than one thousand dollars, and confined and imprisoned for a period not less than one year nor more than five years.

SEC. 2. That the person so enlisted or engaged as regular or volunteer shall be fined in a like manner a sum of one hundred dollars, and imprisoned not less than one nor more than three years.

CHAPTER 57.—Approved, August 6, 1861.—Vol. 12, p. 317.

An Act to promote the efficiency of the engineer and topographical engineer corps, and for other purposes.

That there shall be added to each of the corps of engineers and topographical engineers, by regular promotion of their present officers, two lieutenant-colonels, and four majors.[2]

SEC. 2. That there shall be added to the corps of topographical engineers one company of soldiers, to be commanded by appropriate officers of said corps, to have the same pay and rations, clothing, and other allowances, and to be entitled to the same benefits in every respect, as the company created by the act for the organization of a company of sappers and miners and pontoniers, approved May sixteenth (15th), eighteen hundred and forty-six.[3] The said company shall be subject to the rules and articles of war, and shall have the same organization as the companies of engineer soldiers attached to the corps of engineers.

SEC. 3. That vacancies hereafter occurring among the com-

[1] See Neutrality Act, chap. 88, 20 April, 1818.
[2] See chap. 162, 5 July, 1838, sec. 2 and 4.
[3] Chap. 21.

missioned officers of the volunteer regiments shall be filled by the governors of the states respectively, in the same manner as original appointments. And so much of the tenth section of the act approved July twenty-second, eighteen hundred and sixty-one,[1] as is inconsistent herewith, be, and the same is hereby, repealed.

SEC. 4. That the President of the United States is hereby authorized to appoint two additional inspectors-general for the United States army;[2] said inspectors-general to have the same rank and receive the same pay and allowances as now provided by law for inspectors-general.

SEC. 5. That so much of the first section of the act approved August fifth, eighteen hundred and fifty-four,[3] as authorizes the appointment of civilians to superintend the national armories, be, and the same is hereby, repealed, and that the superintendents of these armories shall be appointed hereafter from officers of the ordnance department.

[*Approved, August* 6, 1861.]

CHAPTER 58.—Approved, August 6, 1861.—Vol. 12, p. 318.

An Act to authorize an increase in the corps of engineers and topographical engineers.

[This act has 3 sections, which are in the same words as sec. 1, 2, and 4 above.]

CHAPTER 63.—Approved, August 6, 1861.—Vol. 12, p. 326.

An Act to increase the pay of the privates in the regular army and in the volunteers in the service of the United States, and for other purposes.

That the pay of the privates in the regular army and volunteers in the service of the United States be thirteen[3] dollars per month for three years from and after the passage of this act, and until otherwise fixed by law.

SEC. 2. That the provisions of the act entitled "An[4] act for the relief of the Ohio and other volunteers," approved July twenty-fourth, eighteen hundred and sixty-one, be, and the same

[1] Chap. 9.
[2] Making 4 inspectors-general.
[3] $12 by chap. 247, 4 August, 1854.
[4] Chap. 16.

are hereby, extended to all volunteers mustered into the service of the United States, whether for one, two, or three years, or for and during the war.

SEC. 3. That all the acts, proclamations, and orders of the President of the United States after the fourth of March, eighteen hundred and sixty-one, respecting the army and navy of the United States, and calling out or relating to the militia or volunteers from the states, are hereby approved and in all respects legalized and made valid, to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.

[*Approved, August* 6, 1861.]

CHAPTER 3.—Approved, December 24, 1861.—Vol. 12, p. 330.

An Act relative to courts-martial in the army.

That in time of war the commander of a division or separate brigade may appoint general courts-martial, and confirm, execute, pardon, and mitigate their sentences, as allowed and restrained in the sixty-fifth and eighty-ninth articles of war[1] to commanders of armies and departments: *Provided*, That sentences of such courts, extending to loss of life, or dismission of a commissioned officer, shall require the confirmation of the general commanding the army in the field to which the division or brigade belongs: *And provided, further*, That when the division or brigade commander shall be the accuser or prosecutor, the court shall be appointed by the next higher commander.

CHAPTER 4.—Approved, December 24, 1861.—Vol. 12, p. 331.

An Act to provide for allotment certificates among the volunteer force.

That the President of the United States shall appoint for each state having volunteers in the United States service, not exceeding three persons, who shall be authorized by the President's commission to visit the several departments of the army

[1] Chap. 20, 20 April, 1806.

in which volunteers from their respective states may be, and then and there procure from said volunteers, from time to time, their respective allotments of their pay to their families or friends, duly certified in writing, and by them or by some commissioned officer of such department attested in pursuance of such orders as may be made for that purpose by the secretary of war, and upon which certified allotment the several paymasters shall at each regular payment to troops give drafts, payable in the city of New York, to the order of such persons to whom said allotments were or may be made.

SEC. 2. That [each of] the persons appointed as commissioners to carry into effect the preceding section of this act shall receive no pay or emoluments whatever from the treasury of the United States.

SEC. 3. That the fifth section of the act of twelfth June, eighteen hundred and fifty-eight,[1] giving sutlers a lien upon the soldier's pay, be, and the same is hereby, repealed, and all regulations giving sutlers rights and privileges beyond the rules and articles of war, be, and the same is hereby, abrogated.[2]

[*Approved, December* 24, 1861.]

CHAPTER 6.—Approved, January 8, 1862.—Vol. 12, p. 331.

An Act making appropriations for the payment of invalid and other pensions of the United States for the year ending June thirty, eighteen hundred and sixty-three.

* * * *Provided*, That no pension shall be paid under this act to any person who has been engaged in the present rebellion against the government of the United States, or who has in any way given aid and comfort to those engaged in the rebellion.[3]

[Chapter 10, approved January 22, 1862, vol. 12, p. 332, authorizes the President, by and with the advice and consent of the senate, to appoint for one year two more assistant secretaries of war, whose salary shall each be $3000 per annum, and who shall discharge such duties as may be prescribed by the secretary of war or may be required by law.[4]]

[1] Chap. 156.

[2] This third section virtually reinstated sec. 11 of chap. 61, 3 March, 1847; but see rules and articles of war, Nos. 29, 30, 31, and 60, and chap. 47, 19 March, 1862.

[3] And see chap. 18, 14 Feb. 1862, *post*.

[4] One assistant secretary of war authorized by chap. 42, 3 Aug. 1861.

CHAPTER 15.—Approved, January 31, 1862.—Vol. 12, p. 334.

An Act to authorize the President of the United States in certain cases to take possession of railroad and telegraph lines, and for other purposes.[1]

That the President of the United States, when in his judgment the public safety may require it, be, and he is hereby, authorized to take possession of any or all the telegraph lines in the United States, their offices and appurtenances; to take possession of any or all the railroad lines in the United States, their rolling stock, their offices, shops, buildings, and all their appendages and appurtenances; to prescribe rules and regulations for the holding, using, and maintaining of the aforesaid telegraph and railroad lines, *and to extend, repair, and complete the same, in the manner most conducive to the safety and interest of the government;*[2] to place under military control all the officers, agents, and employés belonging to the telegraph and railroad lines thus taken possession of by the President, so that they shall be considered as a post road and a part of the military establishment of the United States, subject to all the restrictions imposed by the rules and articles of war.[3]

SEC. 2. That any attempt by any party or parties whomsoever, in any state or district in which the laws of the United States are opposed or the execution thereof obstructed by insurgents and rebels against the United States, too powerful to be suppressed by the ordinary course of judicial proceedings, to resist or interfere with the unrestrained use by government of the property described in the preceding section, or any attempt to injure or destroy the property aforesaid, shall be punished as a military offence, by death, or such other penalty as a court-martial may impose.

SEC. 3. That three commissioners shall be appointed by the President of the United States, by and with the advice and consent of the senate, to assess and determine the damages suffered, or the compensation to which any railroad or telegraph company may be entitled by reason of the railroad or telegraph line being seized and used under the authority conferred by this act; and their award shall be submitted to Congress for their action.

[1] See explanatory resolution No. 58, 14 July, 1862, *post*.
[2] All in italics repealed by Resolution No. 49, 14 July, 1862, *ante*.
[3] Chap. 20, 10 April, 1806.

SEC. 4. That the transportation of troops, munitions of war, equipments, military property and stores, throughout the United States, shall be under the immediate control and supervision of the secretary of war and such agents as he may appoint; and all rules, regulations, articles, usages, and laws in conflict with this provision are hereby annulled.

SEC. 5. That the compensation of each of the commissioners aforesaid shall be eight dollars per day while in actual service; and that the provisions of this act, so far as it relates to the operating and using said railroads and telegraphs, shall not be in force any longer than is necessary for the suppression of this rebellion.

[*Approved, January* 31, 1862.]

CHAPTER 18.—Approved, February 4, 1862.—Vol. 12, p. 337.

An Act to authorize the secretary of the interior to strike from the pension rolls the names of such persons as have taken up arms against the government, or who may have in any manner encouraged the rebels.

That the secretary of the interior be, and is hereby, authorized and directed to strike from the pension rolls the names of such persons as have [taken] or may hereafter take up arms against the government of the United States, or who have in any manner encouraged the rebels or manifested sympathy for their cause.[1]

[By chap. 21, Feb. 12, 1862, vol. 12, p. 338, the President is authorized to temporarily detail three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the secretary of war.]

CHAPTER 24.—Approved, February 13, 1862.—Vol. 12, p. 338.

An Act to amend an Act entitled "An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four.[2]

That the twentieth section of the "Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the

[1] And see chap. 6, 8 January, 1862, *ante*.

[2] Chap. 161, *ante*.

frontiers," approved June thirtieth, eighteen hundred and thirty-four, be, and the same is hereby, amended so as to read as follows, to wit:

SEC. 20. That if any person shall sell, exchange, give, barter, or dispose of any spirituous liquor or wine to any Indian under the charge of any Indian superintendent or Indian agent appointed by the United States, or shall introduce or attempt to introduce any spirituous liquor or wine into the Indian country, such person, on conviction thereof before the proper district court of the United States, shall be imprisoned for a period not exceeding two years, and shall be fined not more than three hundred dollars: *Provided, however,* That it shall be a sufficient defence to any charge of introducing or attempting to introduce liquor into the Indian country if it be proved to be done by order of the War Department, or of any officer duly authorized thereto by the War Department. And if any superintendent of Indian affairs, Indian agent or sub-agent, or commanding officer of a military post, has reason to suspect or is informed that any white person, or Indian, is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, agent, sub-agent, or commanding officer, to cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one half to the informer, and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. And it shall, moreover, be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. And in all cases arising under this act Indians shall be competent witnesses.

[*Approved, February* 13, 1862.]

CHAPTER 25.—Approved, February 13, 1862.—Vol. 12, p. 339.

An Act making an appropriation for completing the defences of Washington, and for other purposes.

One hundred and fifty thousand dollars appropriated for completing the defences of Washington.

SEC. 2. That the fifth section of the act of twenty-eighth September, eighteen hundred and fifty,[1] providing for the discharge from the service of minors enlisted without the consent of their parents or guardians, be, and the same hereby is, repealed: *Provided*, That hereafter no person under the age of eighteen shall be mustered into the United States service; and the oath of enlistment taken by the recruit shall be conclusive as to his age.

SEC. 3. That no volunteers or militia from any state or territory shall be mustered into the service of the United States on any terms or conditions confining their service to the limits of said state or territory, or their vicinities, beyond the number of ten thousand in the state of Missouri, and four thousand five hundred in the state of Maryland, heretofore authorized by the President of the United States, or secretary of war, to be raised in said states.

SEC. 4. That the second section of the act of the tenth of April, eighteen hundred and six,[2] shall be, and the same is hereby, so amended as to read as follows:

SEC. 2. That, in time of war or rebellion against the supreme authority of the United States, all persons who shall be found lurking as spies, or acting as such, in or about the fortifications, encampments, posts, quarters, or head-quarters of the armies of the United States, or any of them, within any part of the United States which has been or may be declared to be in a state of insurrection by proclamation of the President of the United States, shall suffer death by sentence of a general court-martial.

SEC. 5. That the fifty-fifth article of the first section of act of tenth April, eighteen hundred and six, chapter twenty, be, and the same is hereby, so amended as to read as follows:

Art. 55. Whoever, belonging to the armies of the United States in foreign parts, or at any place within the United States, or their territories, during rebellion against the supreme authority of the United States, shall force a safeguard, shall suffer death.

[1] Chap. 78. [2] Chap. 20.

[By chapter 31, approved 22 February, 1862, vol. 12, p. 344, the officers temporarily serving as signal officers shall receive, for the time they are so serving, the pay and emoluments of cavalry officers of their respective grades.]

CHAPTER 40.—Approved, March 13, 1862.—Vol. 12, p. 354.

An Act to make an additional article of war.

That hereafter the following shall be promulgated as an additional article of war for the government of the army of the United States, and shall be obeyed and observed as such:[1]

ART. 102. All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor who may have escaped from any persons to whom such service or labor is claimed to be due, and any officer who shall be found guilty by a court-martial of violating this article shall be dismissed from the service.

SEC. 2. That this act shall take effect from and after its passage.

CHAPTER 47.—Approved, March 19, 1862.—Vol. 12, p. 371.

An Act to provide for the appointment of sutlers in the volunteer service, and to define their duties.

That the inspector-generals of the army shall constitute a board of officers, whose duty it shall be to prepare, immediately after the passage of this act, a list or schedule of the following articles which may be sold by sutlers to the officers and soldiers of the volunteer service, to wit: Apples, dried apples, oranges, figs, lemons, butter, cheese, milk, syrup, molasses, raisins, candles, crackers, wallets, brooms, comforters, boots, pocket looking-glasses, pins, gloves, leather, tin wash-basins, shirt-buttons, horn and brass buttons, newspapers, books, tobacco, cigars, pipes, matches, blacking, blacking-brushes, clothes-brushes, tooth-brushes, hair-brushes, coarse and fine combs, emery, crocus, pocket-handkerchiefs, stationery, armor oil, sweet oil, rotten

[1] See chap. 20, 10 April, 1806.

stone, razor-strops, razors, shaving-soap, soap, suspenders, scissors, shoe-strings, needles, thread, knives, pencils, and Bristol brick. Said list or schedule shall be subject, from time to time, to such revision and change as, in the judgment of the said board, the good of the service may require: *Provided, always*, That no intoxicating liquors shall at any time be contained therein, or the sale of such liquors be in any way authorized by said board. A copy of said list or schedule, and of any subsequent change therein, together with a copy of this act, shall be, without delay, furnished by said board to the commanding officer of each brigade and of each regiment not attached to any brigade in the volunteer service, and also to the adjutant-general of the army.

SEC. 2. That immediately upon the receipt from said board of said list or schedule and copy of this act by the commanding officer of any such brigade, the acting brigadier-general, surgeon, quartermaster, and commissary of said brigade shall constitute a board of officers whose duty it shall be to affix to each article in said list or schedule a price for said brigade, which shall be by them forthwith reported to the commanding officer of the division, if any, to which said brigade is attached, for his approval, with or without modification, and who shall, after such approval, report the same to the inspector-generals, and the same, if not disapproved by them, shall be the price not exceeding which said articles may be sold to the officers and soldiers in said brigade. Whenever any brigade shall not be attached to a division, said prices shall then be reported directly to the inspector-generals, and if approved by them shall be the price fixed for such brigade as aforesaid; and whenever any regiment shall be unattached to any brigade, the acting colonel, lieutenant-colonel, major, and captains thereof shall constitute the board of officers by whom the price of said articles shall be fixed for said regiment, in the same manner as is herein provided for an unattached brigade. The prices so fixed may be changed by said boards respectively from time to time, not oftener than once in thirty days; but all changes therein shall be reported in like manner and for the same purpose as when originally fixed.

SEC. 3. That it shall be the duty of the commanding officer of each brigade, immediately upon receipt of a copy of said list or

schedule and copy of this act, as herein provided, to cause one sutler for each regiment in his brigade to be selected by the commissioned officers of such regiment, which selection shall be by him reported to the adjutant-general of the army; the person so selected shall be sole sutler of said regiment. And the commanding officer of each unattached regiment shall, in like manner, cause a selection of a sutler to be made for said regiment, who shall be sole sutler of said regiment. Any vacancy in the office of sutler from any cause shall be filled in the same way as an original appointment.

SEC. 4. That the sutlers chosen in the manner provided in the preceding section shall be allowed a lien only upon the pay of the officers, non-commissioned officers, and privates of the regiment for which he has been chosen, or those stationed at the post to which he has been appointed, and for no greater sum than one-sixth of the monthly pay of each officer, non-commissioned officer, or private, for articles sold during each month; and the amount of one-sixth or less than one-sixth of the pay of such officer, non-commissioned officer, or private so sold to him by the sutler, shall be charged on the pay rolls of such officer, non-commissioned officer, or private, and deducted from his pay, and paid over by the paymaster to the sutler of the regiment or military post, as the case may be: *Provided*, That if any paymaster in the service of the United States shall allow or pay any greater sum to any sutler than that hereby authorized to be retained from the pay of the officers, non-commissioned officers, musicians, and privates, for articles sold by any sutler during any one month, then the amount so allowed or paid by the paymaster shall be charged against the said paymaster and deducted from his pay and returned to the officer, non-commissioned officer, musician, or private against whom the amount was originally charged. And any captain or lieutenant commanding a company who may certify any pay roll bearing a charge in favor of the sutler against any officer, non-commissioned officer, musician, or private, larger or greater than one-sixth of the monthly pay of such officer, non-commissioned officer, musician, or private, shall be punished at the discretion of a court-martial: *Provided, however*, That sutlers shall be allowed to sell only the articles designated in the list or schedule provided in this act, and none others, and at prices not exceeding those

affixed to said articles, as herein provided: *And provided, further*, That the sutlers shall have no legal claim upon any officer, non-commissioned officer, musician, or private to an amount exceeding one-sixth of his pay for articles sold during any month. He shall keep said list or schedule, together with a copy of this act, fairly written or printed, posted up in some conspicuous part of the place where he makes said sales, and where the same can be easily read by any person to whom he makes said sales.

SEC. 5. That it shall be the duty of the inspector-generals to cause the place of sale and articles kept for that purpose, by said sutlers, to be inspected from time to time, once in fifteen days at least, by some competent officer, specially detailed for that duty, and such changes in said place, or in the quality and character of the articles mentioned in said list or schedule so kept, as shall be required by said officer, shall be conformed to by each sutler. And such officer shall report each inspection to the inspector-generals.

SEC. 6. That no person shall be permitted to act as sutler unless appointed according to the provisions of this act; nor shall any person be sutler for more than one regiment; nor shall any sutler farm out or underlet the business of sutling or the privileges granted to him by his appointment; nor shall any officer of the army receive from any sutler any money or other presents, nor be interested in any way in the stock, trade, or business of any sutler; and any officer receiving such presents, or being thus interested, directly or indirectly, shall be punished at the discretion of a court-martial. No sutler shall sell to an enlisted man on credit to a sum exceeding one-fourth of his monthly pay within the same month; nor shall the regimental quartermasters allow the use of army wagons for sutlers' purposes; nor shall the quartermasters' conveyances be used for the transportation of sutlers' supplies.

SEC. 7. That any sutler who shall violate any of the provisions of this act shall, by the colonel, with consent of the council of administration, be dismissed from the service, and be ineligible to a reappointment as sutler in the service of the United States.

[*Approved, March* 19, 1862.]

See arts. 29, 30, 31, and 60 of chap. 20, 10 April, 1806, and sec. 11 of chap. 61, 3 March, 1847, and sec. 5 of chap. 156, 12 June, 1858.

CHAPTER 49.—Approved, March 25, 1862.—Vol. 12, p. 374.

An Act to secure to the officers and men actually employed in the Western Department, or Department of Missouri, their pay, bounty, and pension.[1]

That the secretary of war be, and he is hereby, authorized and required to allow and pay to the officers, non-commissioned officers, musicians, and privates who have been heretofore actually employed in the military service of the United States, whether mustered into actual service or not, where their services were accepted and actually employed by the generals who have been in command of the Department of the West, or the Department of the Missouri, the pay and bounty as in cases of regular enlistment.

SEC. 2. That the officers, non-commissioned officers, musicians, and privates so employed, who may have been wounded or incapacitated for service, shall be entitled to and receive the pension allowed for such disability: *Provided*, That the length and character of their enlistment and service be such as to entitle them under existing laws to such pension.

SEC. 3. That the heirs of those killed in battle, or of those who may have died from wounds received while so in service, shall be entitled to receive the bounty and pay to which they would have been entitled had they been regularly mustered into service: *Provided*, That the bounty and pay referred to in this act shall not be payable unless their term of enlistment and service be of such duration as to entitle them to receive the same, according to existing laws.

CHAPTER 51.—Approved, April 2, 1862.—Vol. 12, p. 375.

An Act in addition to an Act to refund and remit the duties on arms imported by states, approved July 10, 1861.[2]

That the authority given to the secretary of the treasury to refund and remit the duties and imposts on all arms imported

[1] See Res. 51, 12 July, 1862, suspending all payments under this act, &c.

[2] Chap. 1. This act authorizes and directs the secretary of the treasury to refund and remit the duties and imposts on all arms imported into the United States between 1 May, 1861, and 1 January, 1862, by or for the account of any state: *Provided*, The secretary shall be satisfied that the arms were intended in good faith for the use of the troops of any state which is or may be engaged in aiding to suppress the insurrection now existing against the United States. Vol. 12, p. 255.

into the United States, or for account of any state as provided in the act to which this is an addition, shall extend to arms for which orders or contracts were made prior to the first of January, eighteen hundred and sixty-two: *Provided*, That the said secretary shall have satisfactory proofs exhibited to him that the said arms were actually purchased in a foreign country for account of a state, and that the price paid for the same by the state was only the first cost, and the usual and customary charges attending the purchase and importation of the same, exclusive of duty.

[*Approved, April* 2, 1838.]

CHAPTER 53.—Approved, April 2, 1862.—Vol. 12, p. 376.

An Act to prohibit the allowance or payment of pensions to the children of officers and soldiers of the revolution.

That, from and after the passage of this act, no claim for a pension shall be allowed in favor of the children or other descendants of any person who served in the revolution, or of the widow of such person, when such person or his widow died without having established a claim to a pension.

CHAPTER 55.—Approved, April 16, 1862.—Vol. 12, p. 378.

An Act to reorganize and increase the efficiency of the medical department of the army.[1]

That there shall be added to the present medical corps of the army ten surgeons and ten assistant surgeons, to be promoted and appointed under existing laws; twenty medical cadets, and as many hospital stewards as the surgeon-general may consider necessary for the public service; and that their pay and that of all hospital stewards in the volunteer as well as the regular service shall be thirty dollars per month, to be computed from the passage of this act. And all medical cadets in the service shall, in addition to their pay, receive one ration per day, either in kind or commutation.

SEC. 2. That the surgeon-general to be appointed under this

[1] See, for further temporary increase of the department, chap. 127, 2 July, 1862.

act shall have the rank, pay, and emoluments of a brigadier-general. There shall be one assistant surgeon-general and one medical inspector-general of hospitals, each with the rank, pay, and emoluments of a colonel of cavalry, and the medical inspector-general shall have, under the direction of the surgeon-general, the supervision of all that relates to the sanitary condition of the army, whether in transports, quarters, or camps, and of the hygiene, police, discipline, and efficiency of field and general hospitals, under such regulations as may hereafter be established.

SEC. 3. That there shall be eight medical inspectors, with the rank, pay, and emoluments each of a lieutenant-colonel of cavalry, and who shall be charged with the duty of inspecting the sanitary condition of transports, quarters, and camps, of field and general hospitals, and who shall report to the medical inspector-general, under such regulations as may be hereafter established, all circumstances relating to the sanitary condition and wants of troops and of hospitals, and to the skill, efficiency, and good conduct of the officers and attendants connected with the medical department.

SEC. 4. That the surgeon-general, the assistant surgeon-general, medical inspector-general, and medical inspectors, shall, immediately after the passage of this act, be appointed by the President, by and with the advice and consent of the senate, by selection from the medical corps of the army, or from the surgeons in the volunteer service, without regard to their rank when so selected, but with sole regard to qualifications.

SEC. 5. That the medical purveyors shall be charged, under the direction of the surgeon-general, with the selection and purchase of all medical supplies, including new standard preparations, and of all books, instruments, hospital stores, furniture, and other articles required for the sick and wounded of the army. In all cases of emergency they may provide such additional accommodations for the sick and wounded of the army and may transport such medical supplies as circumstances may render necessary, under such regulations as may hereafter be established, and shall make prompt and immediate issues upon all special requisitions made upon them under such circumstances by medical officers; and the special requisitions shall consist simply of a list of the articles required, the qualities

required, dated and signed by the medical officers requiring them.

SEC. 6. That whenever the inspector-general, or any one of the medical inspectors, shall report an officer of the medical corps as disqualified, by age or otherwise, for promotion to a higher grade, or unfitted for the performance of his professional duties, he shall be reported by the surgeon-general, for examination, to a medical board, as provided by the seventeenth section of the act approved August third, eighteen hundred and sixty-one.[1]

SEC. 7. That the provisions of this act shall continue and be in force during the existence of the present rebellion, and no longer: *Provided, however*, That, when this act shall expire, all officers who shall have been promoted from the medical staff of the army under this act shall retain their respective rank in the army, with such promotion as they would have been entitled to.

[*Approved, April* 16, 1862.]

CHAPTER 70.—Approved, May 14, 1862.—Vol. 12, p. 385.

An Act to facilitate the discharge of enlisted men for physical disability.

That the medical inspector-general, or any medical inspector, is hereby authorized and empowered to discharge from the service of the United States any soldier or enlisted man, with the consent of such soldier or enlisted man, in the permanent hospitals, laboring under any physical disability which makes it disadvantageous to the service that he be retained therein, and the certificate, in writing, of such inspector-general or medical inspector, setting forth the existence and nature of such physical disability, shall be sufficient evidence of such discharge: *Provided, however*, That every such certificate shall appear on its face to have been founded on personal inspection of the soldier so discharged, and shall specifically describe the nature and origin of such disability; and that such discharge shall be with-

[1] Chap. 42. Medical storekeepers also authorized by chap. 80, 20 May, 1862, and required to give bond by chap. 201, 17 July, 1862. Medical purveyors required to give bond by same section.

out prejudice to the right of such soldier or enlisted man to the pay due him at the date thereof, and report the same to the adjutant-general and the surgeon-general.

[*Approved, May* 14, 1862.]

CHAPTER 80.—Approved, May 20, 1862.—Vol. 12, p. 403.

An Act to authorize the appointment of medical storekeepers and chaplains of hospitals.

That the secretary of war be authorized to add to the medical department of the army medical storekeepers, not exceeding six in number, who shall have the pay and emoluments of military storekeepers in the quartermaster's department,[1] who shall be skilled apothecaries or druggists, who shall give the bond and security required by existing laws for military storekeepers in the quartermaster's department, and who shall be stationed at such points as the necessities of the army may require: *Provided*, That the provisions of this act shall remain in force only during the continuance of the present rebellion.

SEC. 2. That the President of the United States is hereby authorized to appoint, if he shall deem it necessary, a chaplain for each permanent hospital, whose pay,[2] *with that of chaplains of hospitals heretofore appointed by him, shall be the same as that of regimental chaplains in the volunteer force*, and who shall be subject to such rules in relation to leave of absence from duty as are prescribed for commissioned officers of the army.

CHAPTER 93.—Approved, June 2, 1862.—Vol. 12, p. 411.

An Act to prevent and punish fraud on the part of officers intrusted with making of contracts for the government.[3]

That it shall be the duty of the secretary of war, of the secretary of the navy, and of the secretary of the interior,

[1] Who shall give such bonds as the secretary of war may require, by sec. 16, chap. 201, 17 July, 1862.

[2] For pay, &c. of all chaplains, see sec. 9, chap. 200, 17 July, 1862.

[3] The operation of this act was suspended until the first Monday in January, 1863, by chap. 203, 17 July, 1862, *post*.

immediately after the passage of this act, to cause and require every contract made by them, severally, on behalf of the government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof, a copy of which shall be filed by the officer making and signing the said contract in the "Returns Office" of the Department of the Interior (hereinafter established for that purpose) as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, as also a copy of any advertisement he may have published inviting bids, offers, or proposals for the same; all the said copies and papers in relation to each contract to be attached together by a ribbon and seal, and numbered in regular order, numerically, according to the number of papers composing the whole return.

SEC. 2. That it shall be the further duty of the said officer, before making his return according to the first section of this act, to affix to the same his affidavit in the following form, sworn to before some magistrate having authority to administer oaths: "I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me personally with ——— ———; that I made the same fairly, without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said ——— ——— or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided." And any officer convicted of falsely and corruptly swearing to such affidavit shall be subject to all the pains and penalties now by law inflicted for wilful and corrupt perjury.

SEC. 3. That any officer making contracts, as aforesaid, and failing or neglecting to make returns of the same, according to the provisions of this act, unless from unavoidable accident and not within his control, shall be deemed, in every case of such failure or neglect, to be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and be imprisoned for not more than six months, at the discretion of the court trying the same.

SEC. 4. That it shall be the duty of the secretary of the interior, immediately after the passage of this act, to provide a fit and proper apartment in his department, to be called the "Returns Office," within which to file the returns required by this act to be filed, and to appoint a clerk to attend to the same, who shall be entitled to an annual salary of twelve hundred dollars, and whose duty it shall be to file all returns made to said office, so that the same may be of easy access, filing all returns made by the same officer in the same place, and numbering them as they are made in numerical order. He shall also provide and keep an index-book, with the names of the contracting parties, and the number of each and every contract opposite to the said names; and he shall submit the said index-book and returns to any person desiring to inspect the same; and he shall also furnish copies of said returns to any person paying for said copies to said clerk at the rate of five cents for every one hundred words, to which said copies certificates shall be appended in every case by the clerk making the same, attesting their correctness, and that each copy so certified is a full and complete copy of said return; which return, so certified under the seal of the Department, shall be evidence in all prosecutions under this act.

SEC. 5. That it shall be the duty of the secretary of war, of the secretary of the navy, and of the secretary of the interior, immediately after the passage of this act, to furnish each and every officer severally appointed by them with authority to make contracts on behalf of the government, with a printed letter of instructions, setting forth the duties of such officer under this act, and also to furnish therewith forms, printed in blank, of contracts to be made, and the affidavit of returns required to be affixed thereto, so that all the instruments may be as nearly uniform as possible.

[*Approved, June* 2, 1862.]

CHAPTER 109.—Approved, June 18, 1862.—Vol. 12, p. 431.

An Act providing that the officers of volunteers shall be paid on the pay rolls of the regiments or companies to which they belong.

That company officers of volunteers shall be paid on the muster and pay rolls of their company, party, or detachment, and not otherwise, except when such officer may be on detached service without troops, or on leave of absence.

CHAPTER 127.—Approved, July 2, 1862.—Vol. 12, p. 502.

An Act to provide for additional medical officers of the volunteer service.[1]

That there shall be appointed by the President, by and with the advice and consent of the senate, forty surgeons and one hundred and twenty assistant surgeons of volunteers, who shall have the rank, pay, and emoluments of officers of corresponding grades in the regular army: *Provided*, That no one shall be appointed to any position under this act unless he shall previously have been examined by a board of medical officers to be appointed by the secretary of war, and that vacancies in the grade of surgeon shall be filled by selection from the grade of assistant surgeon on the ground of merit only: *And provided, further*, That this act shall continue in force only during the existence of the present rebellion.

SEC. 2. That from and after the passage of this act brigade-surgeons shall be known and designated as surgeons of volunteers, and shall be attached to the general medical staff under the direction of the surgeon-general; and hereafter such appointments for the medical service of the army shall be appointed surgeons of volunteers.

SEC. 3. That instead of one "assistant surgeon," as provided by the second section of the act of July 22d,[2] 1861, each regiment of volunteers in the service of the United States shall have two assistant surgeons.

[1] See chap. 55, 16 April, 1862.
[2] Chap. 9; but see, for cavalry regiments, sec. 11, chap. 201, 17 July, 1862.

CHAPTER 128.—Approved, July 2, 1862.—Vol. 12, p. 502.

An Act to prescribe an oath of office, and for other purposes.[1]

That hereafter every person elected or appointed to any office of honor or profit under the government of the United States, either in the civil, military, or naval departments of the public service, excepting the President of the United States, shall, before entering upon the duties of such office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe to the following oath or affirmation: "I, A. B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of, any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God;" which said oath, so taken and signed, shall be preserved among the files of the court, house of Congress, or Department to which the said office may appertain. And any person who shall falsely take the said oath shall be guilty of perjury, and, on conviction, in addition to the penalties now prescribed for that offence, shall be deprived of his office, and rendered incapable forever after of holding any office or place under the United States.

[1] This is a substitute for the form of oath prescribed by chap. 64, 6 Aug. 1861, vol. 12, p. 326.

CHAPTER 133.—Approved, July 5, 1862.—Vol. 12, p. 505.

An Act making appropriations for the support of the army for the year ending the thirtieth of June, eighteen hundred and sixty-three, and additional appropriations for the year ending the thirtieth of June, eighteen hundred and sixty-two, and for other purposes.

For pay of volunteers. * * * *Provided*, That the President shall not be authorized to appoint more than forty major-generals, nor more than two hundred brigadier-generals. And all acts and parts of acts authorizing a greater number of major and brigadier generals than are above provided for are hereby repealed.[1]

For providing for the comfort of discharged soldiers who may arrive in the principal cities of the United States so disabled by disease or by wounds received in the service as to be unable to proceed to their homes, and for forwarding destitute soldiers to their homes, two millions of dollars to be applied and expended under the direction of the President of the United States.

SEC. 2. That so much of the seventh section of the act approved March 3, 1851,[2] entitled "An act to found a military asylum for the relief and support of invalid and disabled soldiers of the army of the United States," as requires that "all moneys, not exceeding two-thirds of the balance on hand, of the hospital fund and of the post fund of each military station, after deducting the necessary expenses," shall be set apart for the support of the military asylum, be, and the same is hereby, repealed.

SEC. 3. That the enlisted men of the ordnance department now designated as master-workmen shall hereafter be designated and mustered as sergeants; those now designated as armorers, carriage-makers, and blacksmiths shall be designated and mustered as corporals; those now designated as artificers shall be designated and mustered as privates of the first class; and those now designated as laborers shall be designated and mustered as privates of the second class: *Provided*, That the pay, rations, and clothing now authorized by law to the respective grades of enlisted ordnance men shall not be changed.

SEC. 6. That section five of the act "to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July twenty-second, eighteen hundred and sixty-one,[3] and section five of the act "to increase the

[1] See chap. 17, 25 July, 1861. [2] Chap. 25. [3] Chap. 9.

present military establishment of the United States," approved July twenty-nine, eighteen hundred and sixty-one,[1] shall be so construed as to allow twenty-five dollars of the bounty of one hundred dollars therein provided to be paid immediately after enlistment to every soldier of the regular and volunteer forces hereafter enlisted, during the continuance of the existing war; and the sum of seven million five hundred thousand dollars is hereby appropriated for such payment.

SEC. 7. That all the aids-de-camp appointed by authority of the act approved[2] fifth August, eighteen hundred and sixty-one, entitled "An act supplementary to an act entitled an 'Act to increase the present military establishment of the United States,'" approved July twenty-nine, eighteen hundred and sixty-one, shall be nominated to the senate for its advice and consent.

SEC. 8. That the President of the United States be, and he hereby is, authorized, by and with the consent of the senate, to appoint as many military storekeepers in the quartermaster's department of the army as the exigencies of the service may require; provided the whole number of military storekeepers in that department shall not exceed twelve.[3]

SEC. 10. That the secretary of war be authorized to commute the army ration of coffee and sugar[4] for the extract of coffee combined with milk and sugar, to be procured in the same manner and under like restrictions and guarantees as preserved meats, pickles, butter, and desiccated vegetables are procured for the navy, if he shall believe it will be conducive to the health and comfort of the army and not more expensive to the government than the present ration, and if it shall be acceptable to the men.

[*Approved, July* 5, 1862.]

CHAPTER 144.—Approved, July 11, 1862.—Vol. 12, p. 535.

An Act making appropriations for the payment of the bounty authorized by the sixth section of an Act[5] *entitled "An Act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July twenty-second, eighteen hundred and sixty-one, and for other purposes.*

For payment of the bounty to widows, children, fathers, mo-

[1] Chap. 24. [2] Chap. 48. [3] There were seven before.
[4] As fixed by chap. 163, sec. 4, 21 June, 1860. [5] Chap. 9.

thers, brothers, and sisters of such volunteers as may have died or been killed, or may die or be killed, in service, authorized by the above-recited act: *Provided,* That said bounty shall be paid to the following persons, and in the order following, and to no other person, to wit: First, to the widow of such deceased soldier, if there be one. Second, if there be no widow, then to the children of such deceased soldier, share and share alike. Third, if such soldier left neither a widow or child or children, then, and in that case, such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: First, to his father, or, if he shall not be living, or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid.

SEC. 3. That that part of the sixth section of the act[1] above recited, which secured to the widow, if there be one, and, if not, the legal heirs of such volunteers as die or may be killed in the service, in addition to all arrears of pay and allowances, a bounty of one hundred dollars, shall be held to apply to those persons who have enlisted in the regular forces since the first day of July, eighteen hundred and sixty-one, or shall enlist in the regular forces during the year eighteen hundred and sixty-two, and be paid to the heirs named in this act, and that the bounties herein provided for shall be paid out of any money appropriated for bounty to volunteers.

[*Approved, July* 11, 1862.]

CHAPTER 148.—Approved, July 11, 1862.—Vol. 12, p. 537.

An Act for the establishment of certain national arsenals.

That there be, and hereby is, established a national arsenal at Columbus, in the state of Ohio, at Indianapolis, in the state of Indiana, and on Rock Island, in the state of Illinois, for the deposit and repair of arms and other munitions of war.

[SEC. 2. $100,000 for each of these arsenals appropriated.]

[1] Chap. 9, 22 July, 1861.

CHAPTER 166.—Approved, July 14, 1862.—Vol. 12, p. 566.

An Act to grant pensions.

That if any officer, non-commissioned officer, musician, or private of the army, including regulars, volunteers, and militia, or any officer, warrant or petty officer, musician, seaman, ordinary seaman, flotilla-man, marine, clerk, landsman, pilot, or other person in the navy or marine corps, has been, since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter be, disabled by reason of any wound received or disease contracted while in the service of the United States and in the line of duty, he shall, upon making due proof of the fact according to such forms and regulations as are or may be provided by or in pursuance of law, be placed upon the list of invalid pensions of the United States, and be entitled to receive, for the highest rate of disability, such pension as is hereinafter provided in such cases, and for an inferior disability an amount proportionate to the highest disability, to commence as hereinafter provided and continue during the existence of such disability. The pension for a total disability for officers, non-commissioned officers, musicians, and privates employed in the military service of the United States, whether regulars, volunteers, or militia, and in the marine corps, shall be as follows, viz.: Lieutenant-colonel, and all officers of a higher rank, thirty dollars per month; major, twenty-five dollars per month; captain, twenty dollars per month; first lieutenant, seventeen dollars per month; second lieutenant, fifteen dollars per month; and non-commissioned officers, musicians, and privates, eight dollars per month. The pension for total disability for officers, warrant or petty officers, and others employed in the naval service of the United States, shall be as follows, viz.: Captain, commander, surgeon, paymaster, and chief engineer, respectively, ranking with commander by law, lieutenant commanding, and master commanding, thirty dollars per month; lieutenant, surgeon, paymaster, and chief engineer, respectively, ranking with lieutenant by law, and passed assistant surgeon, twenty-five dollars per month; professor of mathematics, master, assistant surgeon, assistant paymaster, and chaplain, twenty dollars per month; first assistant engineers and pilots, fifteen dollars per month; passed midshipman, midship-

man, captains' and paymasters' clerk, second and third assistant engineer, masters' mate, and all warrant officers, ten dollars per month; all petty officers, and all other persons before named employed in the naval service, eight dollars per month; and all commissioned officers, of either service, shall receive such and only such pension as is herein provided for the rank in which they hold commissions.

SEC. 2. That if any officer or other person named in the first section of this act has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States and in the line of duty, his widow, or, if there be no widow, his child or children under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, and to continue to the widow during her widowhood, or to the child or children until they severally attain to the age of sixteen years, and no longer.

SEC. 3. That where any officer or other person named in the first section of this act shall have died subsequently to the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States and in the line of duty, and has not left or shall not leave a widow nor legitimate child, but has left or shall leave a mother who was dependent upon him for support, in whole or in part, the mother shall be entitled to receive the same pension as such officer or other person would have been entitled to had he been totally disabled; which pension shall commence from the death of the officer or other person dying as aforesaid: *Provided, however*, That if such mother shall herself be in receipt of a pension as a widow, in virtue of the provisions of the second section of this act, in that case no pension or allowance shall be granted to her on account of her son, unless she gives up the other pension or allowance: *And provided, further*, That the pension given to a mother on account of her son shall terminate on her re-marriage: *And provided, further*, That nothing herein shall be so construed as to entitle the mother of an officer or other person dying, as aforesaid, to more than one pension at the same time under the provisions of this act.

SEC. 4. That where any officer or other person named in the first section of this act shall have died subsequently to the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States and in the line of duty, and has not left or shall not leave a widow, nor legitimate child, nor mother, but has left or may leave an orphan sister or sisters, under sixteen years of age, who were dependent upon him for support, in whole or in part, such sister or sisters shall be entitled to receive the same pension as such officer or other person would have been entitled to had he been totally disabled; which pension to said orphan shall commence from the death of the officer or other person dying as aforesaid, and shall continue to the said orphans until they severally arrive at the age of sixteen years, and no longer: *Provided, however*, That nothing herein shall be so construed as to entitle said orphans to more than one pension at the same time, under the provisions of this act: *And provided, further*, That no moneys shall be paid to the widow, or children, or any heirs of any deceased soldier on account of bounty, back pay, or pension, who have in any way been engaged in or who have aided or abetted the existing rebellion in the United States; but the right of such disloyal widow or children, heir or heirs, of such soldier, shall be vested in the loyal heir or heirs of the deceased, if any there be.

SEC. 5. That pensions which may be granted, in pursuance of the provisions of this act, to persons who may have been, or shall be, employed in the military or naval service of the United States, shall commence on the day of the discharge of such persons in all cases in which the application for such provisions is filed within one year after the date of said discharge; and in cases in which the application is not filed during said year, pensions granted to persons employed as aforesaid shall commence on the day of the filing of the application.

SEC. 6. That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowance, before the pension office under this act, shall not exceed the following rates: For making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the pension office, with the requisite

correspondence, five dollars. In cases wherein additional testimony is required by the Commissioner of Pensions, for each affidavit so required and executed and forwarded, (except the affidavits of surgeons, for which such agents and attorneys shall not be entitled to any fees,) one dollar and fifty cents.

SEC. 7. That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract or agree to prosecute any claim for a pension, bounty, or other allowance under this act, on the condition that he shall receive a per centum upon or any portion of the amount of such claim, or who shall wrongfully withhold from a pensioner or other claimant the whole or any part of the pension or claim allowed and due to such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and aggravations of the offence.

SEC. 8. That the Commissioner of Pensions be, and he is hereby, empowered to appoint, at his discretion, civil surgeons to make the biennial examinations of pensioners which are or may be required to be made by law, and to examine applicants for invalid pensions, where he shall deem an examination by a surgeon to be appointed by him necessary; and the fees for each of such examinations, and the requisite certificate thereof, shall be one dollar and fifty cents, which fees shall be paid to the surgeon by the person examined, for which he shall take a receipt, and forward the same to the pension office; and upon the allowance of the claim of the person examined, the Commissioner of Pensions shall furnish to such person an order on the pension agent of his state for the amount of the surgeon's fees.

SEC. 9. That the Commissioner of Pensions, on application made to him in person or by letter by any claimants or applicants for pension, bounty, or other allowance required by law to be adjusted and paid by the pension office, shall furnish such claimants, free of all expense or charge to them, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and in case such claim is prosecuted by

an agent or attorney of such claimant or applicant, on the issue of a certificate of pension or the granting of a bounty or allowance, the Commissioner of Pensions shall forthwith notify the applicant or claimant that such certificate has been issued or allowance made, and the amount thereof.

SEC. 10. That the pilots, engineers, sailors, and crews upon the gunboats and war-vessels of the United States, who have not been regularly mustered into the service of the United States, shall be entitled to the same bounty allowed to persons of corresponding rank in the naval service, provided they continue in service to the close of the present war; and all persons serving as aforesaid, who have been or may be wounded or incapacitated for service, shall be entitled to receive for such disability the pension allowed by the provisions of this act to those of like rank, and each and every such person shall receive pay according to corresponding rank in the naval service: *Provided*, That no person receiving pension or bounty under the provisions of this act shall receive either pension or bounty for any other service in the present war.

SEC. 11. That the widows and heirs of all persons described in the last preceding section who have been or may be employed as aforesaid, or who have been or may be killed in battle, or of those who have died or shall die of wounds received while so employed, shall be paid the bounty and pension allowed by the provisions of this act, according to rank, as provided in the last preceding section.

SEC. 12. That the secretary of the interior be, and he is hereby, authorized to appoint a special agent for the pension office, to assist in the detection of frauds against the pension laws, to cause persons committing such frauds to be prosecuted, and to discharge such other duties as said secretary may require him to perform; which said agent shall receive for his services an annual salary of twelve hundred dollars; and his actual travelling expenses incurred in the discharge of his duties shall be paid by the government.

SEC. 13. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

[*Approved, July* 14, 1862.]

[By section 13 of the "Act to establish and equalize the grades of line officers of the United States navy," approved July 16, 1862, chap. 183, vol. 12, p. 583, the relative rank between officers of the navy and the army shall be as follows, lineal rank only to be considered:

Rear-admirals with major-generals.
Commodores with brigadier-generals.
Captains with colonels.
Commanders with lieutenant-colonels.
Lieutenant-commanders with majors.
Lieutenants with captains.
Masters with first lieutenants.
Ensigns with second lieutenants.]

CHAPTER 180.—Approved, July 16, 1862.—Vol. 12, p. 577.

An Act to prevent members of Congress and officers of the government of the United States from taking consideration for procuring contracts, office, or place, from the United States, and for other purposes.

That any member of Congress or any officer of the government of the United States who shall, directly or indirectly, take, receive, or agree to receive, any money, property, or other valuable consideration whatsoever, from any person or persons, for procuring, or aiding to procure, any contract, office, or place, from the government of the United States or any department thereof, or from any officer of the United States, for any person or persons whatsoever, or for giving any such contract, office, or place to any person whomsoever, and the person or persons who shall, directly or indirectly, offer or agree to give, or give or bestow, any money, property, or other valuable consideration whatsoever, for the procuring or aiding to procure any contract, office, or place, as aforesaid, and any member of Congress who shall, directly or indirectly, take, receive, or agree to receive, any money, property, or other valuable consideration whatsoever after his election as such member, for his attention to, services, action, vote, or decision on, any question, matter, cause, or proceeding which may then be pending, or may by law or under the Constitution of the United States be brought before him in

his official capacity, or in his place of trust and profit as such member of Congress, shall, for every such offence, be liable to indictment as for a misdemeanor in any court of the United States having jurisdiction thereof, and, on conviction thereof, shall pay a fine of not exceeding ten thousand dollars, and suffer imprisonment in the penitentiary not exceeding two years, at the discretion of the court trying the same; and any such contract or agreement as aforesaid may, at the option of the President of the United States, be declared absolutely null and void; and any member of Congress or officer of the United States convicted as aforesaid shall, moreover, be disqualified from holding any office of honor, profit, or trust under the government of the United States.

[*Approved, July* 16, 1862.]

CHAPTER 190.—Approved, July 16, 1862.—Vol. 12, p. 589.

An Act prohibiting the confinement of persons in the military service of the United States in the penitentiary of the District of Columbia, except as a punishment for certain crimes, and to discharge therefrom certain convicts by sentence of courts-martial, and for other purposes.

That hereafter no person in the military service of the United States, convicted and sentenced by a court-martial, shall be punished by confinement in the penitentiary of the District of Columbia, unless the offence of which such person may be convicted would by some statute of the United States, or at common law, as the same exists in the said District, subject such convict to said punishment.

SEC. 2. That all such persons in the military service, as aforesaid, who have heretofore been or may hereafter be convicted and sentenced by a court-martial for any offence which, if tried before the criminal court of said District, would not subject such person to imprisonment in said penitentiary, and who are now or may hereafter be confined therein, shall be discharged from said imprisonment, upon such terms and conditions of further punishment as the President of the United States may, in his discretion, impose as a commutation of said sentence.

SEC. 3. That upon the application of any citizen of the United

States, supported by his oath, alleging that a person or persons in the military service, as aforesaid, is confined in said penitentiary under the sentence of a court-martial for any offence not punishable by imprisonment in the penitentiary by the authority of the criminal court aforesaid, it shall be the duty of the judge of said court, or, in case of his absence or inability, of one of the judges of the circuit court of said District, if upon an inspection of the record of proceedings of said court-martial he shall find the facts to be as alleged in said application, immediately to issue the writ of habeas corpus to bring before him the said convict; and if, upon an investigation of the case, it shall be the opinion of such judge that the case of such convict is within the provisions of the previous sections of this act, he shall order such convict to be confined in the common jail of said District, until the decision of the President of the United States as to the commutation aforesaid shall be filed in said court, and then such convict shall be disposed of and suffer such punishment as by said commutation of his said sentence may be imposed.

SEC. 4. That no person convicted upon the decision of a court-martial shall be confined in any penitentiary in the United States, except under the conditions of this act.

[*Approved, July* 16, 1862.]

CHAPTER 195.—Approved, July 17, 1862.—Vol. 12, p. 589.

An Act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes.[1]

That every person who shall hereafter commit the crime of treason against the United States, and shall be adjudged guilty thereof, shall suffer death, and all his slaves, if any, shall be declared and made free; or, at the discretion of the court, he shall be imprisoned for not less than five years and fined not less than ten thousand dollars, and all his slaves, if any, shall be declared and made free; said fine shall be levied and collected on any or all of the property, real and personal, excluding slaves, of which the said person so convicted was the owner at the time of com-

[1] See Resolution No. 63, 17 July, 1862, explanatory of this act, the passage of which was necessary to secure the approval of this act (195).

mitting the said crime, any sale or conveyance to the contrary notwithstanding.

SEC. 2. That if any person shall hereafter incite, set on foot, assist, or engage in any rebellion or insurrection against the authority of the United States or the laws thereof, or shall give aid or comfort thereto, or shall engage in, or give aid and comfort to, any such existing rebellion or insurrection, and be convicted thereof, such person shall be punished by imprisonment for a period not exceeding ten years, or by a fine not exceeding ten thousand dollars, and by the liberation of all his slaves, if any he have; or by both of said punishments, at the discretion of the court.

SEC. 3. That every person guilty of either of the offences described in this act shall be forever incapable and disqualified to hold any office under the United States.

SEC. 4. That this act shall not be construed in any way to affect or alter the prosecution, conviction, or punishment of any person or persons guilty of treason against the United States before the passage of this act, unless such person is convicted under this act.

SEC. 5. That, to insure the speedy termination of the present rebellion, it shall be the duty of the President of the United States to cause the seizure of all the estate and property, money, stocks, credits, and effects, of the persons hereinafter named in this section, and to apply and use the same and the proceeds thereof for the support of the army of the United States; that is to say:

First. Of any person hereafter acting as an officer of the army or navy of the rebels in arms against the government of the United States.

Secondly. Of any person hereafter acting as President, Vice-President, member of Congress, judge of any court, cabinet officer, foreign minister, commissioner, or consul of the so-called Confederate States of America.

Thirdly. Of any person acting as governor of a state, member of a convention or legislature, or judge of any court of any of the so-called Confederate States of America.

Fourthly. Of any person who, having held an office of honor, trust, or profit in the United States, shall hereafter hold an office in the so-called Confederate States of America.

Fifthly. Of any person hereafter holding any office or agency under the government of the so-called Confederate States of America, or under any of the several states of the said Confederacy, or the laws thereof, whether such office or agency be national, state, or municipal in its name or character: *Provided*, That the persons thirdly, fourthly, and fifthly above described shall have accepted their appointment or election since the date of the pretended ordinance of secession of the state, or shall have taken an oath of allegiance to, or to support the Constitution of, the so-called Confederate States.

Sixthly. Of any person who, owning property in any loyal state or territory of the United States, or in the District of Columbia, shall hereafter assist and give aid and comfort to such rebellion; and all sales, transfers, or conveyances of any such property shall be null and void; and it shall be a sufficient bar to any suit brought by such person for the possession or the use of such property, or any of it, to allege and prove that he is one of the persons described in this section.

SEC. 6. That if any person within any state or territory of the United States, other than those named as aforesaid, after the passage of this act, being engaged in armed rebellion against the government of the United States, or aiding or abetting such rebellion, shall not, within sixty days after public warning and proclamation duly given and made by the President of the United States, cease to aid, countenance, and abet such rebellion, and return to his allegiance to the United States, all the estate and property, moneys, stocks, and credits, of such person shall be liable to seizure as aforesaid, and it shall be the duty of the President to seize and use them as aforesaid, or the proceeds thereof. And all sales, transfers, or conveyances of any such property after the expiration of the said sixty days from the date of such warning and proclamation shall be null and void; and it shall be a sufficient bar to any suit brought by such person for the possession or the use of such property, or any of it, to allege and prove that he is one of the persons described in this section.

SEC. 7. That to secure the condemnation and sale of any of such property after the same shall have been seized, so that it may be made available for the purposes aforesaid, proceedings in rem shall be instituted in the name of the United States in any dis-

trict court thereof, or in any territorial court, or in the United States district court for the District of Columbia, within which the property above described, or any part thereof, may be found, or into which the same, if movable, may first be brought, which proceedings shall conform, as nearly as may be, to proceedings in admiralty or revenue cases; and if said property, whether real or personal, shall be found to have belonged to a person engaged in rebellion or who has given aid or comfort thereto, the same shall be condemned as enemies' property and become the property of the United States, and may be disposed of as the court shall decree, and the proceeds thereof paid into the treasury of the United States for the purposes aforesaid.

SEC. 8. That the several courts aforesaid shall have power to make such orders, establish such forms of decree and sale, and direct such deeds and conveyances to be executed and delivered by the marshals thereof where real estate shall be the subject of sale, as shall fitly and efficiently effect the purpose of this act, and vest in the purchasers of such property good and valid titles thereto. And the said courts shall have power to allow such fees and charges of their officers as shall be reasonable and proper in the premises.

SEC. 9. That all slaves of persons who shall hereafter be engaged in rebellion against the government of the United States, or who shall in any way give aid or comfort thereto, escaping from such persons and taking refuge within the lines of the army, and all slaves captured from such persons or deserted by them, and coming under the control of the government of the United States, and all slaves of such persons found *on* (or) being within any place occupied by rebel forces and afterwards occupied by the forces of the United States, shall be deemed captives of war, and shall be forever free of their servitude, and not again held as slaves.

SEC. 10. That no slave escaping into any state, territory, or the District of Columbia, from any other state, shall be delivered up, or in any way impeded or hindered of his liberty, except for crime or some offence against the laws, unless the person claiming said fugitive shall first make oath that the person to whom the labor or service of such fugitive is alleged to be due is his lawful owner, and has not borne arms against the United States in the present rebellion, nor in any way given aid and comfort

thereto; and no person engaged in the military or naval service of the United States shall, under any pretence whatever, assume to decide on the validity of the claim of any person to the service or labor of any other person, or surrender up any such person to the claimant, on pain of being dismissed from the service.

SEC. 11. That the President of the United States is authorized to employ as many persons of African descent as he may deem necessary and proper for the suppression of this rebellion, and for this purpose he may organize and use them in such manner as he may judge best for the public welfare.

SEC. 12. That the President of the United States is hereby authorized to make provision for the transportation, colonization, and settlement, in some tropical country beyond the limits of the United States, of such persons of the African race, made free by the provisions of this act, as may be willing to emigrate, having first obtained the consent of the government of said country to their protection and settlement within the same, with all the rights and privileges of freemen.

SEC. 13. That the President is hereby authorized, at any time hereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any state or part thereof, pardon and amnesty, with such exceptions and at such time and on such conditions as he may deem expedient for the public welfare.

SEC. 14. That the courts of the United States shall have full power to institute proceedings, make orders and decrees, issue process, and do all other things necessary to carry this act into effect.

[*Approved, July* 17, 1862.]

CHAPTER 199.—Approved, July 17, 1862.—Vol. 12, p. 593.

An Act to provide for the more prompt settlement of the accounts of disbursing officers.

That, from and after the passage of this act, any officer or agent of the United States who shall receive public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly, instead of quarterly, as heretofore;

and such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be rendered direct to the proper accounting officer of the treasury, and be mailed or otherwise forwarded to its proper address within ten days after the expiration of each successive month. And in case of the non-receipt at the treasury of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this act; and for any default on his part, the delinquent officer shall be deemed a defaulter, and be subject to all the penalties prescribed by the sixteenth section of the act of August sixth, eighteen hundred and forty-six,[1] "to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue:" *Provided*, That the secretary of the treasury may, if in his opinion the circumstances of the case justify and require it, extend the time hereinbefore prescribed for the rendition of accounts: *And provided, further*, That nothing herein contained shall be construed to restrain the heads of any of the departments from requiring such other returns or reports from the officer or agent subject to the control of such heads of departments as the public interest may require.

[*Approved, July* 17, 1862.]

CHAPTER 200.—Approved, July 17, 1862.—Vol. 12, p. 594.

An Act to define the pay and emoluments of certain officers of the army, and for other purposes.

1. No commutation for forage, where it can be furnished. Infantry officers assigned to cavalry duty, to have forage, &c. 2. Number of horses allowed to certain officers and to chaplains. 3. Officers employing soldiers as servants shall not also draw pay for them. Penalty. 4. Officers not to be benefited by increased pay of soldiers. Pay of quartermaster-sergeants. 5. Regimental bands abolished. 6. Brigade bands allowed. Their pay. 7. Mileage fixed. 8. Qualifications of chaplains. 9. Pay, &c., of chaplains. 11. Arrests, and discharges from. 12. Officers of army and navy forty-five years on register, to be retired, &c. 13. Contracts to be promptly reported to Congress. 14. Contracts to be annulled, if transferred. 15. Articles furnished by contract to be marked with contractor's name. 16. Contractors put under rules and articles of war, and to

[1] Chap. 90.

be punished for fraud, &c. 17. Incompetent officers may be dismissed from military service. 18. Cemetery grounds for soldiers to be purchased and improved. 20. Volunteer regiments to be paid according to muster. 21. Aliens may become citizens after enlistment and honorable discharge, without previous declaration of intention. 22. Reorganization of the adjutant-general's office.

That officers of the army entitled to forage for horses shall not be allowed to commute it, but may draw forage in kind for each horse actually kept by them when and at the place where they are on duty, not exceeding the number authorized by law: *Provided, however*, That when forage in kind cannot be furnished by the proper department, then, and in all such cases, officers entitled to forage may commute the same according to existing regulations: *And provided, further*, That officers of the army and of volunteers assigned to duty which requires them to be mounted, shall, during the time they are employed on such duty, receive the pay, emoluments, and allowances of cavalry officers of the same grade respectively.

SEC. 2. That major-generals shall be entitled to draw forage in kind for five horses; brigadier-generals, for four horses; colonels, lieutenant-colonels, and majors, for two horses each; captains and lieutenants of cavalry and artillery, or having the cavalry allowance, for two horses each; and chaplains, for one horse only.

SEC. 3. That whenever an officer of the army shall employ a soldier as his servant, he shall, for each and every month during which said soldier shall be so employed, deduct from his own monthly pay the full amount paid to or expended by the government per month on account of said soldier; and every officer of the army who shall fail to make such deduction shall, on conviction thereof before a general court-martial, be cashiered.

SEC. 4. That the first section of the act approved August sixth, eighteen hundred and sixty-one, entitled "An act[1] to increase the pay of privates in the regular army and in the volunteers in the service of the United States, and for other purposes," shall not be so construed, after the passage of this act, as to increase the emoluments[2] of the commissioned officers of the army. And the eighth section of the act of twenty-second July, eighteen hundred and sixty-one, entitled "An act[3] to authorize the employment of volunteers to aid in enforcing the laws and protect-

[1] Chap. 63. [2] In the servants' pay. [3] Chap. 9.

ing public property," shall be so construed as to give to quartermaster-sergeants the same compensation as to regimental commissary-sergeants.

SEC. 5. That so much of the aforesaid act[1] approved 22d July, 1861, as authorizes each regiment of volunteers in the United States service to have twenty-four musicians for a band, and fixes the compensation of the leader of the band, be, and the same is hereby, repealed; and the men composing such bands shall be mustered out of the service within thirty days after the passage of this act.

SEC. 6. That each brigade in the volunteer service may have sixteen musicians as a band, who shall receive the pay and allowances now provided by law for regimental bands, except the leader of the band, who shall receive forty-five dollars per month, with the emoluments and allowances of a quartermaster's sergeant.

SEC. 7. That in lieu of the present rate of mileage allowed to officers of the army when travelling on public duty, where transportation in kind is not furnished to them by the government, not more than six cents per mile shall hereafter be allowed, unless where an officer is ordered from a station east of the Rocky Mountains to one west of the same mountains, or *vice versa*, when ten cents per mile shall be allowed to him; and no officer of the army or navy of the United States shall be paid mileage except for travel actually performed at his own expense and in obedience to orders.

SEC. 8. That so much of section nine of the aforesaid act,[2] approved July twenty-second, eighteen hundred and sixty-one, and of section seven of the "Act[3] providing for the better organization of the military establishment," approved August third, eighteen hundred and sixty-one, as defines the qualifications of chaplains in the army and volunteers, shall hereafter be construed to read as follows: That no person shall be appointed a chaplain in the United States army who is not a regularly ordained minister of some religious denomination, and who does not present testimonials of his present good standing as such minister, with a recommendation for his appointment as an army chaplain from some authorized ecclesiastical body, or not less than five accredited ministers belonging to said religious denomination.

[1] Chap. 9. [2] Chap. 9. [3] Chap. 42.

SEC. 9. That hereafter the compensation of all chaplains in the regular or volunteer service or army hospitals shall be one hundred dollars per month and two rations[1] a day when on duty; and the chaplains of the permanent hospitals, appointed under the authority of the second section of the act[2] approved May twenty, eighteen hundred and sixty-two, shall be nominated to the senate for its advice and consent, and they shall, in all respects, fill the requirements of the preceding section of this act relative to the appointment of chaplains in the army and volunteers; and the appointments of chaplains to army hospitals heretofore made by the President[3] are hereby confirmed; and it is hereby made the duty of each officer commanding a district or post containing hospitals, or a brigade of troops, within thirty days after the reception of the order promulgating this act, to inquire into the fitness, efficiency, and qualifications of the chaplains of hospitals or regiments, and to muster out of service such chaplains as were not appointed in conformity with the requirements of this act, and who have not faithfully discharged the duties of chaplains during the time they have been engaged as such. Chaplains employed at the military posts called "chaplain posts" shall be required to reside at the posts; and all chaplains in the United States service shall be subject to such rules in relation to leave of absence from duty as are prescribed for commissioned officers of the United States army stationed at such posts.

SEC. 10. That so much of the fifth section of the act[4] approved July 22d, 1861, as allows 40 cents per day for the use and risk of the horses of company officers of cavalry, and the tenth section of the aforesaid act,[5] approved August 3d, 1861, be, and the same are hereby, repealed.

SEC. 11. That whenever an officer shall be put under arrest, except at remote military posts or stations, it shall be the duty of the officer by whose orders he is arrested to see that a copy of the charges on which he has been arrested and is to be tried shall be served upon him within eight days thereafter, and that he shall be brought to trial within ten days thereafter, unless

[1] A ration is $9 per month. The second section of this act also allows a chaplain to draw forage for one horse.

[2] Chap. 80.

[3] See his annual message, Dec. 1861.

[4] Chap. 9.

[5] Chap. 42, retaining $2 per month of the pay of the enlisted men of the regular army until the end of their enlistment.

the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of the said ten days, or the arrest shall cease: *Provided*, That if the copy of the charges be not served upon the arrested officer, as herein provided, the arrest shall cease; but officers released from arrest under the provisions of this section may be tried whenever the exigencies of the service will permit, within twelve months after such release from arrest: *And provided, further*, That the provisions of this section shall apply to all persons now under arrest and awaiting trial.

SEC. 12. That whenever the name of any officer of the army or marine corps, now in the service, or who may hereafter be in the service, of the United States, shall have been borne on the army register or naval register, as the case may be, forty-five years, or he shall be of the age of sixty-two years, it shall be in the discretion of the President to retire him from active service and direct his name to be entered on the retired list of officers of the grade to which he belonged at the time of such retirement; and the President is hereby authorized to assign any officer retired under this section, or the act of August third, eighteen hundred and sixty-one,[1] to any appropriate duty; and such officer thus assigned shall receive the full pay and emoluments of his grade while so assigned and employed.

SEC. 13. That all contracts made for, or orders given for the purchase of, goods or supplies by any department of the government shall be promptly reported to Congress by the proper head of such department if Congress shall at the time be in session, and if not in session, said reports shall be made at the commencement of the next ensuing session.

SEC. 14. That no contract or order, or any interest therein, shall be transferred by the party or parties to whom such contract or order may be given to any other party or parties, and that any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned: *Provided*, That all rights of action are hereby reserved to the United States for any breach of such contract by the contracting party or parties.

SEC. 15. That every person who shall furnish supplies of any

[1] Chap. 42.

kind to the army or navy shall be required to mark and distinguish the same, with the name or names of the contractors so furnishing said supplies, in such manner as the secretary of war and the secretary of the navy may respectively direct; and no supplies of any kind shall be received unless so marked and distinguished.

SEC. 16. That whenever any contractor for subsistence, clothing, arms, ammunition, munitions of war, and for every description of supplies for the army or navy of the United States, shall be found guilty by a court-martial of fraud or wilful neglect of duty, he shall be punished by fine, imprisonment, or such other punishment as the court-martial shall adjudge; and any person who shall contract to furnish supplies of any kind or description for the army or navy he shall be deemed and taken as a part of the land or naval forces of the United States, for which he shall contract to furnish said supplies, and be subject to the rules and regulations for the government of the land and naval forces of the United States.

SEC. 17. That the President of the United States be, and hereby is, authorized and requested to dismiss and discharge[1] from the military service, either in the army, navy, marine corps, or volunteer force, in the United States service, any officer for any cause which, in his judgment, either renders such officer unsuitable for, or whose dismission would promote, the public service.

SEC. 18. That the President of the United States shall have power, whenever in his opinion it shall be expedient, to purchase cemetery grounds, and cause them to be securely enclosed, to be used as a national cemetery for the soldiers who shall die in the service of the country.

SEC. 19. That so much of the act[2] approved the 5th of August, 1861, entitled "An act supplementary to an act entitled 'An act[3] to increase the present military establishment of the United States,'" approved the 29th of July, 1861, as authorizes the appointment of additional aids-de-camp, be, and the same is hereby, repealed. But this repeal shall not be construed so as to deprive those persons already appointed, in strict conformity with said act of 5th August, 1861, from holding their offices in the same manner as if it had not been repealed.

SEC. 20. That the different regiments and independent com-

[1] This confirms authority already exercised by the President.
[2] Chap. 47. [3] Chap. 24.

panies heretofore mustered into the service of the United States as volunteer engineers, pioneers, or sappers and miners, under the orders of the President or secretary of war, or by authority of the commanding general of any military department of the United States, or which, having been mustered into the service as infantry, shall have been reorganized and employed as engineers, pioneers, or sappers and miners, shall be, and the same are hereby, recognized and accepted as volunteer engineers, on the same footing in all respects, in regard to their organization, pay, and emoluments, as the corps of engineers of the regular army of the United States, and they shall be paid for their services, already performed, as is now provided by law for the payment of officers and non-commissioned officers and privates of the engineer corps of the regular army.

SEC. 21. That any alien, of the age of twenty-one years and upwards, who has enlisted or shall enlist in the armies of the United States, either the regular or volunteer forces, and has been or shall be hereafter honorably discharged, may be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become a citizen of the United States, and that he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and that the court admitting such alien shall, in addition to such proof of residence and good moral character as is now provided by law, be satisfied by competent proof of such person having been honorably discharged from the service of the United States as aforesaid.

SEC. 22. That there shall be added to the adjutant-general's department, by regular promotion of its present officers, one colonel, two lieutenant-colonels, and nine majors; and that the grade of captain in said department shall thereafter be abolished, and all vacancies occurring in the grade of major shall be filled by selections from among the captains of the army.[1]

[*Approved, July* 17, 1862.]

[1] They were formerly selected from the first lieutenants.

CHAPTER 201.—Approved, July 17, 1862.—Vol. 12, p. 597.

An Act to amend the Act[1] calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion, approved February twenty-eighth, seventeen hundred and ninety-five, and the Act amendatory thereof, and for other purposes.

1. Call for state militia to specify period of service, not to exceed nine months. Defects in militia laws to be supplied by rules and regulations. 2. Militia called into service. How organized. 3. One hundred thousand volunteers may be accepted as infantry for nine months. Pay and bounty provision of former laws extended to them. 4. To fill old regiments, any number of volunteers may be accepted for a year, upon a footing with similar troops in service. Bounty, fifty dollars, half on joining. 5. Judge-advocate general to be appointed. 6. A judge-advocate for each army in the field. 7. Offenders to be brought before and tried by field officer of regiment. Sentence to be submitted to the brigadier, who shall, if he approve, order the punishment. 8. Surplus adjutants and quartermasters to be paid as such and discharged. 9. Army corps to be established and organized. 10. Organization of army corps. 11. Organization of cavalry forces. 12. Negroes to be employed to labor for the army. 13. Negroes rendering military service to be free, as well as the mother, wife, and children, except those belonging to loyal persons. 14. Expenses in executing this act, how to be paid. 15. All enrolled under this act to receive pay and rations of soldiers. Pay of negroes so employed. 16. Medical purveyors and storekeepers to give bonds.

That, whenever the President of the United States shall call forth the militia of the states, to be employed in the service of the United States, he may specify in his call the period for which such service may be required, not exceeding nine months; and the militia so called shall be mustered in and continue to serve for and during the term so specified, unless sooner discharged by command of the President. If, by reason of defects in existing laws, or in the execution of them in the several states, or any of them, it shall be found necessary to provide for enrolling the militia and otherwise putting this act into execution, the President is authorized, in such cases, to make all necessary rules and regulations; and the enrolment of the militia shall, in all cases, include all able-bodied male citizens between the ages of eighteen and forty-five, and shall be apportioned among the states according to representative population.

SEC. 2. That the militia, when so called into service, shall be organized in the mode prescribed by law for volunteers.[2]

[1] Chap. 36.

[2] As regulars.

SEC. 3. That the President be, and he is hereby, authorized, in addition to the volunteer forces which he is now authorized by law[1] to raise, to accept the services of any number of volunteers, not exceeding one hundred thousand, as infantry, for a period of nine months unless sooner discharged. And every soldier who shall enlist under the provisions of this section shall receive his first month's pay,[2] and also twenty-five dollars as a bounty upon the mustering of his company or regiment into the service of the United States. And all provisions of law relating to volunteers enlisted in the service of the United States for three years, or during the war, except in relation to bounty, shall be, and the same are extended to, and are hereby declared to embrace, the volunteers to be raised under the provisions of this section.

SEC. 4. That, for the purpose of filling up the regiments now in the United States service, the President be, and he hereby is, authorized to accept the service of volunteers in such numbers as may be presented for that purpose, for twelve months if not sooner discharged. And such volunteers when mustered into the service shall be in all respects upon a footing with similar troops in the United States service, except as to service bounty, which shall be fifty dollars, one half of which to be paid upon their joining their regiments, and the other half at the expiration of their enlistment.

SEC. 5. That the President shall appoint, by and with the advice and consent of the senate, a judge-advocate general,[3] with the rank, pay, and emoluments of a colonel of cavalry, to whose office shall be returned for revision the records and proceedings of all the courts-martial and military commissions, and where a record shall be kept of all proceedings had thereupon. And no sentence of death, or imprisonment in the penitentiary, shall be carried into execution until the same shall have been approved by the President.[4]

SEC. 6. That there may be appointed by the President, by and with the advice and consent of the senate, for each army in the field, a judge-advocate, with the rank, pay, and emoluments, each, of a major of cavalry, who shall perform the duties

[1] By act 22 July, 1861, chap. 9.
[2] $13 per month.
[3] See sec. 4, chap. 83, 2 March, 1849, for judge-advocate of the army.
[4] See rules and articles of war, 1806.

of judge-advocate for the army to which they respectively belong, under the direction of the judge-advocate general.

SEC. 7. That hereafter all offenders in the army charged with offences now punishable by a regimental or garrison court-martial shall be brought before a field-officer of his regiment, who shall be detailed for that purpose, and who shall hear and determine the offence, and order the punishment that shall be inflicted, and shall also make a record of his proceedings, and submit the same to the brigade commander, who, upon the approval of the proceedings of such field-officer, shall order the same to be executed: *Provided*, That the punishment in such cases be limited to that authorized to be inflicted by a regimental or garrison court-martial:[1] *And provided, further*, That, in the event of there being no brigade commander, the proceedings as aforesaid shall be submitted for approval to the commanding officer of the post.

SEC. 8. That all officers who have been mustered into the service of the United States as battalion adjutants and quartermasters of cavalry under the orders of the War Department, exceeding the number authorized by law, shall be paid as such for the time they were actually employed in the service of the United States, and that all such officers now in service, exceeding the number aforesaid, shall be immediately mustered out of the service of the United States.

SEC. 9. That the President be, and he is hereby, authorized to establish and organize army corps according to his discretion.

SEC. 10. That each army corps shall have the following officers, and no more, attached thereto, who shall constitute the staff of the commander thereof: one assistant adjutant-general, one quartermaster, one commissary of subsistence, and one assistant inspector-general, who shall bear, respectively, the rank of lieutenant-colonel, and who shall be assigned from the army or volunteer force by the President. Also three aids-de-camp, one to bear the rank of major, and two to bear the rank of captain, to be appointed by the President, by and with the advice and consent of the senate, upon the recommendation of the commander of the army corps. The senior officer of artil-

[1] See rules and articles of war, 1806.

lery in each army corps, in addition to his other duties, shall act as chief of artillery and ordnance at the head-quarters of the corps.

SEC. 11. That the cavalry forces in the service of the United States shall hereafter be organized as follows: Each regiment of cavalry shall have one colonel, one lieutenant-colonel, three majors, one surgeon, one assistant surgeon,[1] one regimental adjutant, one regimental quartermaster, one regimental commissary, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, two hospital stewards, one saddle-sergeant, one chief trumpeter, and one chief farrier or blacksmith, and each regiment shall consist of twelve companies or troops, and each company or troop shall have one captain, one first lieutenant, one second lieutenant, one supernumerary second lieutenant, one first sergeant, one quartermaster-sergeant, one commissary-sergeant, five sergeants, eight corporals, two teamsters, two farriers or blacksmiths, one saddler, one wagoner, and seventy-eight privates; the regimental adjutants, the regimental quartermasters, and regimental commissaries to be taken from their respective regiments: *Provided*, That vacancies caused by this organization shall not be considered as original, but shall be filled by regular promotion.

SEC. 12. That the President be and he is authorized to receive into the service of the United States, for the purpose of constructing intrenchments, or performing camp service, or any other labor, or any military or naval service, for which they may be competent, persons of African descent; and such persons shall be enrolled and organized under such regulations, not inconsistent with the Constitution and laws, as the President may prescribe.

SEC. 13. That when any man or boy of African descent, who by the laws of any State shall owe service or labor to any person who during the present rebellion has levied war or borne arms against the United States, or adhered to their enemies by giving them aid or comfort, shall render any service as is provided for in the first section of this act, he, his mother, and his wife and children, shall forever thereafter be free, any law, usage, or custom whatsoever to the contrary notwithstand-

[1] See sec. 3, chap. 127, 2 July, 1862.

ing: *Provided*, That the mother, wife, and children of such man or boy of African descent shall not be made free by the operation of this act except where such mother, wife, and children owe service or labor to some person who during the present rebellion has borne arms against the United States, or adhered to their enemies by giving them aid or comfort.

SEC. 14. That the expenses incurred to carry this act into effect shall be paid out of the general appropriation for the army and volunteers.

SEC. 15. That all persons who have been or shall be hereafter enrolled in the service of the United States under this act shall receive the pay and rations now allowed by law to soldiers according to their respective grades: *Provided*, That persons of African descent who under this law shall be employed shall receive ten dollars per month and one ration, three dollars of which monthly pay may be in clothing.

SEC. 16. That the medical purveyors and storekeepers[1] shall give bonds in such sums as the secretary of war may require, with security to be approved by him.

[*Approved, July* 17, 1862.]

CHAPTER 202.—Approved, July 17, 1862.—Vol. 12, p. 600.

An Act to allow and pay to the state of Missouri the amount of money expended by said state in the arming and paying of troops employed in the suppression of insurrection against the laws of the United States.

That the state of Missouri shall be entitled to a credit against the direct tax apportioned to said state by the "Act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes,"[2] approved August 5, 1861, for all sums of money expended by said state in the arming, equipping, subsisting, and paying of troops organized under the ordinances of the convention of said state, passed during the year 1861, and employed in concert with the Federal authorities in suppressing insurrection against the United States, and enforcing the laws thereof.

SEC. 2. That, for the purpose of ascertaining the amount due to said state for moneys so expended, the secretary of war shall, immediately after the passage of this act, by commission or otherwise, cause the accounts to be examined, and a report made to him of the amount due, which being approved by the secretary of war, and by him certified to the secretary of the treasury, the amount thereof shall be allowed to said state, and deducted

[1] Appointed by authority of chap. 80, 20 May, 1862.
[2] Chap. 45, vol. 12, p. 292.

from the amount apportioned thereto by the aforesaid act, and the remainder only, if any, shall be collected as therein prescribed: *Provided*, That, in the adjustment of accounts under this act, no greater rate of compensation shall be allowed than was provided for by the laws of the United States applicable to the arming, equipping, subsisting, and payment of volunteers, in force at the time of the enrolment of such troops of Missouri.

SEC. 3. That if said state shall assume and pay into the treasury the balance of said direct tax, if any, at such time as may be fixed by the secretary of the treasury, or should said expenditures be found to be equal to the tax, the deduction or discount of fifteen per centum, as prescribed in the fifty-third section of the said recited act, shall be allowed on the whole amount thus apportioned.

[*Approved, July* 17, 1862.]

CHAPTER 203.—Approved, July 17, 1862.—Vol. 12, p. 600.

An Act to suspend temporarily the operation of an Act entitled "An Act to prevent and punish fraud on the part of officers intrusted with making of contracts for the government," approved June second, eighteen hundred and sixty-two.

That the operation of the act entitled "An act to prevent and punish frauds on the part of officers intrusted with making of contracts for the government," approved June 2, 1862,[1] be, and the same is hereby, suspended until the first Monday of January, 1863.

RESOLUTION 1.—Approved, December 24, 1861.—Vol. 12, p. 611.

Resolution expressive of the recognition by Congress of the gallant and patriotic services of the late Brigadier-General Nathaniel Lyon, and the officers and soldiers under his command, at the battle of Springfield, Missouri.

That Congress deems it just and proper to enter upon its records a recognition of the eminent and patriotic services of the late Brigadier-General Nathaniel Lyon. The country to whose services he devoted his life will guard and preserve his fame as a part of its own glory.

That the thanks of Congress are hereby given to the brave officers and soldiers who, under the command of the late General Lyon, sustained the honor of the flag, and achieved victory against overwhelming numbers at the battle of Springfield, in Missouri; and that, in order to commemorate an event so honorable to the country and to themselves, it is ordered that each regiment engaged shall be authorized to bear upon its colors the word "Springfield," embroidered in letters of gold. And the President of the United States is hereby requested to cause these resolutions to be read at the head of every regiment in the army of the United States.

[1] Chap. 79.

RESOLUTION 9.—Approved, February 6, 1862.—Vol. 12, p. 613.

Resolution in relation to allotment certificates of pay to persons held as prisoners of war in the so-called Confederate States.

Resolved, That the secretary of war be authorized to procure from such officers and enlisted men of the United States army as are now or hereafter may be held as prisoners of war in the so-called Confederate States, from time to time, their respective allotments of their pay to their families or friends, certified by them in writing, and only [duly] attested in pursuance of such orders as may be made for that purpose by the secretary of war, and upon which certified allotments the said secretary of war shall cause drafts to be made, payable on the city of New York or Boston, to the order of such persons to whom said allotments were or may be made, and to remit said drafts to the address of such person as may be designated in said allotment tickets.

[By resolution 10, approved 22 February, 1862, vol. 12, p. 613, the superintendent of the census is authorized to furnish the secretary of war with such war statistics as from time to time he may judge necessary for the use of his department, in order to develop, concentrate, and bring into action the mechanical and other resources of the United States, for the suppression of the rebellion, and the future defence of the government.

RESOLUTION 12.—Approved, February 22, 1862.—Vol. 12, p. 613.

Resolution tendering the thanks of Congress to the officers, soldiers, and seamen of the army and navy for their gallantry in the recent brilliant victories over the enemies of the Union and the Constitution.

That the thanks of Congress are due, and are hereby tendered, to the officers, soldiers, and seamen of the army and navy of the United States, for the heroic gallantry that, under the providence of Almighty God, has won the recent series of brilliant victories over the enemies of the Union and the Constitution.

RESOLUTION 16.—Approved, March 8, 1862.—Vol. 12, p. 615.

A Resolution declaratory of the intent and meaning of a certain Act therein named.

Whereas, doubts have arisen as to the true intent and meaning of act numbered 18,[1] [chap. 21,] entitled "An act to indemnify the states for expenses incurred by them in the defence of the United States," approved 27 July, 1861:

That the said act shall be construed to apply to expenses incurred as well after as before the date of approval thereof.

RESOLUTION 18.—Approved, March 11, 1862.—Vol. 12, p. 615.

Resolution providing for the payment of the awards of the commission to investigate the military claims in the Department of the West.

That all sums allowed to be due from the United States to individuals, companies, or corporations, by the commission heretofore appointed by the secretary of war, (for the investigation of military claims against the Department of the West,) composed of David Davis, Joseph Holt, and Hugh Campbell, now sitting at St. Louis, Missouri, shall be deemed to be due and payable, and shall be paid by the disbursing officers, either in St. Louis or Washington, in each case, upon the presentation of the voucher with the commissioners' certificate thereon in any form plainly indicating the allowance of the claim and to what amount. This resolution shall apply only to claims and contracts for service, labor, or materials, and for subsistence, clothing, transportation, arms, supplies, and the purchase, hire, and construction of vessels.

RESOLUTION 22.—Approved, March 19, 1862.—Vol. 12, p. 616.

Resolution to authorize the secretary of war to accept moneys appropriated by any state for the payment of its volunteers, and to apply the same as directed by such state.

That if any state, during the present rebellion, shall make any appropriation to pay the volunteers of that state, the secretary of war is hereby authorized to accept the same, and cause it to be applied, by the paymaster-general, to the payments designated by the legislative acts making the appropriation, in the same manner as if appropriated by act of Congress; and also to make any regulations that may be necessary for the disbursement and proper application of such funds to the specific purpose for which they may be appropriated by the several states.

[1] This is an error: it should have been chap. 21. No. 18 is another act.

RESOLUTION 25.—Approved, April 4, 1862.—Vol. 12, p. 617.

A Resolution to authorize the President to assign the command of troops in the same field or department to officers of the same grade, without regard to seniority.

That whenever military operations may require the presence of two or more officers of the same grade in the same field or department, the President may assign the command of the forces in such field or department, without regard to seniority of rank.

RESOLUTION 37.—Approved, June 21, 1862.—Vol. 12, p. 620.

A Resolution to encourage enlistments in the regular army and volunteer forces.

That so much of the ninth section of the act approved August third, eighteen hundred and sixty-one,[1] entitled "An act for the better organization of the military establishment," as abolishes the premium paid for bringing accepted recruits to the rendezvous, be, and the same is hereby, repealed, and hereafter a premium of two dollars shall be paid to any citizen, non-commissioned officer, or soldier for such [each] accepted recruit for the regular army he may bring to the rendezvous. And every soldier who hereafter enlists, either in the regular army or the volunteers, for three years, or during the war, may receive his first month's pay in advance, upon the mustering of his company into the service of the United States, or after he shall have been mustered into and joined a regiment already in the service.[2]

RESOLUTION 51.—Approved, July 2, 1862.—Vol. 12, p. 623.

A Resolution to suspend all payments under the Act approved twenty-fifth of March, eighteen hundred and sixty-two, entitled "An Act to secure to the officers and men actually employed in the western department, or department of Missouri, their pay, bounty, and pension," and for other purposes.

That the secretary of war be, and he is hereby, authorized and directed to suspend all payments under the act approved twenty-

[1] Chap. 42.
[2] For $25 advance bounty in addition hereto, see chap. 166, 17 July, 1862, sec. 3.

fifth March, eighteen hundred and sixty-two,[1] entitled "An act to secure to the officers and men actually employed in the western department, or department of Missouri, their pay, bounty, and pension;" and that there shall be appointed by the President, immediately after the passage of this resolution, by and with the advice and consent of the senate, three commissioners, to examine all claims arising under the provisions of that act, and report the same, with the facts connected therewith, to the secretary of war; said commissioners to have such compensation for their services as the secretary of war may consider just and reasonable: *Provided*, That said commissioners shall be required to examine and report, within sixty days after the passage of this resolution, upon all such claims as may be presented by persons claiming to have been organized or employed in the state of Missouri and to have performed service according to the provisions of the said recited act, whereupon payments shall be made as recommended by said commissioners and as required by said act: *And provided, further*, That within ninety days from the passage of this resolution the said commissioners shall examine and report upon all other claims arising under the act aforesaid, when payments shall be made as herein prescribed.

[*Approved, July* 2, 1862.]

RESOLUTION 52.—Approved, July 12, 1862.—Vol. 12, p. 623.

A Resolution to provide for the presentation of "medals of honor" to the enlisted men of the army and volunteer forces who have distinguished or may distinguish themselves in battle during the present rebellion.

That the President of the United States be, and he is hereby, authorized to cause two thousand "medals of honor" to be prepared, with suitable emblematic devices, and to direct that the same be presented, in the name of Congress, to such non-commissioned officers and privates as shall most distinguish themselves by their gallantry in action, and other soldier-like qualities, during the present insurrection. And that the sum of ten thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of carrying this resolution into effect.

[1] Chap. 49, *ante*.

RESOLUTION 53.—Approved, July 12, 1862.—Vol. 12, p. 624.

A Resolution in relation to contracts with the United States.

That it shall be the duty of the several executive departments of the government to publish in one of the daily newspapers of the city of Washington, on Tuesday of each week, a list of all contracts which shall have been solicited or proposed to each, respectively, during the week next preceding, which list shall state briefly the subject-matter of each contract so solicited or proposed to be made, its terms, the name of the proposed contractor and of all persons known to be interested therein, directly or indirectly, and of all persons who solicit, request, or recommend the making of any such contract: *Provided*, That the foregoing provision shall not be applicable to bids made in pursuance of advertisements for contracts or purchases made under existing laws, but shall apply to all proposed modifications of existing contracts.

RESOLUTION 55.—Approved, July 12, 1862.—Vol. 12, p. 624.

Resolution authorizing the secretary of war to furnish extra clothing to sick, wounded, and other soldiers.

That the secretary of war be, and he is hereby, authorized to furnish extra clothing to all sick, wounded, and other soldiers who may have lost the same by the casualties of war, under such rules and regulations as the department may prescribe, during the existence of the present insurrection.

RESOLUTION 58.—Approved, July 14, 1862.—Vol. 12, p. 625.

Resolution to declare the meaning of "An Act to authorize the President of the United States in certain cases to take possession of railroads and telegraph lines, and for other purposes," approved January thirty-first, eighteen hundred and sixty-two, and to repeal a part of said act.

That an act entitled "An act[1] to authorize the President of the United States in certain cases to take possession of railroads and telegraph lines, and for other purposes," approved

[1] Chap. 15.

January thirty-first, eighteen hundred and sixty-two, shall not be so construed as to authorize the construction of any railroads, or the completion of any line of road, the greater part of which remained uncompleted at the time of the approval of said act, or to engage in any work of railroad construction; and so much of said act as authorized the President of the United States to extend and complete any railroad is hereby repealed.

[*Approved, July* 14, 1862.]

RESOLUTION 63.—Approved, July 17, 1862.—Vol. 12, p. 627.

Resolution explanatory of "An Act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes."

That the provisions of the third clause of the fifth section of "An act[1] to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," shall be so construed as not to apply to any act or acts done prior to the passage thereof, nor to include any member of a state legislature, or judge of any state court who has not, in accepting or entering upon his office, taken an oath to support the Constitution of the so-called "Confederate States of America;" nor shall any punishment or proceedings under said act be so construed as to work a forfeiture of the real estate of the offender beyond his natural life.

RESOLUTION 70.—Approved, July 17, 1862.—Vol. 12, p. 629.

A Resolution to regulate the compensation for paying pensions.

That agents for paying pensions shall receive two per centum on all disbursements made by them to pensioners of the United States: *Provided*, That the aggregate compensation to any one agent, paying both army and navy pensions, shall not exceed two thousand dollars per annum.

[1] Chap. 195, 17 July, 1862. The adoption of this resolution was considered necessary to secure executive approval of the confiscation act.

TABLE OF PAY, SUBSISTENCE, ETC. ALLOWED BY LAW TO THE OFFICERS OF THE ARMY.

RANK AND CLASSIFICATION OF OFFICERS.	PAY.	SUBSISTENCE.		SERVANTS.			FORAGE FURNISHED FOR HORSES.	
	Per Month.	Number of Rations per day.	Monthly Commutation Value.	Number of Servants allowed.	Monthly Commutation Value.	Total Monthly Pay.	In time of War.	In time of Peace.
General Officers.	$ c.		$ c.		$ c.	$ c.	& for	
Lieutenant-General	270 00	40	360 00	4	90 00	720 00	forage	$50.
Aides-de-camp and Military Secretary to Lieutenant-General, *each*...	80 00	5	45 00	2	45 00	170 00	2	2
Major-General	220 00	15	135 00	4	90 00	445 00	7	5
Senior Aide-de-camp to Gen.-in-Chief.	80 00	4	36 00	2	47 00	163 00	4	2
Aide-de-camp, in addition to pay, &c. of Lieutenant	24 00	.....	.....	.....	.....	24 00	2	2
Brigadier-General	124 00	12	108 00	3	67 50	299 50	5	4
Aide-de-camp, in addition to pay, &c. of Lieutenant	20 00	.....	.....	.....	.....	11*	2	2
Adjutant-General's Department.								
Adjutant-General—Brigadier-General.	124 00	12	108 00	3	67 50	299 50	5	4
Assistant Adjutant-General—Colonel..	110 00	6	54 00	2	47 00	211 00	5	2
Assistant Adjutant-General—Lt.-Col...	95 00	5	45 00	2	47 00	187 00	4	2
Assistant Adjutant-General—Major ...	80 00	4	36 00	2	47 00	163 00	4	2
Judge-Advocate-General—Colonel.....	110 00	6	54 00	2	47 00	211 00	5	2
Judge-Advocate—Major.....	80 00	4	36 00	2	47 00	163 00	4	2
" " (Division)—Major.....	80 00	4	36 00	2	47 00	163 00	4	2
Inspector-General's Department.								
Inspector-General—Colonel.....	110 00	6	54 00	2	47 00	211 00	5	2
Assistant Inspector-General—Major...	80 00	4	36 00	2	47 00	163 00	4	2
Signal Department.								
Signal Officer—Major.....	80 00	4	36 00	2	47 00	163 00	4	2
Quartermaster's Department.								
Quartermaster-General—Brig.-Gen.....	124 00	12	108 00	3	67 00	299 50	5	4
Assistant Quartermaster-Gen.—Col. ...	110 00	6	54 00	2	47 00	211 00	5	2
Deputy Quartermaster-Gen.—Lt.-Col...	95 00	5	45 00	2	47 00	187 00	4	2
Quartermaster—Major.....	80 00	4	36 00	2	47 00	163 00	4	2
Assistant Quartermaster—Captain.....	70 00	4	36 00	1	23 50	129 50	3	2
Subsistence Department.								
Commissary-Gen. of Subsistence—Col.	110 00	6	54 00	2	47 00	211 00	5	2
Assistant Commissary-Gen. of Subsistence—Lieut.-Colonel.....	95 00	5	45 00	2	47 00	187 00	4	2
Commissary of Subsistence—Major....	80 00	4	36 00	2	47 00	163 00	4	2
Commissary of Subsistence—Captain..	70 00	4	36 00	1	23 50	129 50	3	2
Assistant Commissary of Subsistence, in addition to pay, &c. of Lieut....	20 00	.....	.....	.....	.....	11*	.....	.....
Medical Department.								
Surgeon-General—Brigadier-General...	124 00	12	108 00	3	67 50	299 50	5	4
Surgeons of ten years' service.....	80 00	8	72 00	2	47 00	199 00	4	2
Surgeons of less than ten years' service	80 00	4	36 00	2	47 00	163 00	4	2
Asst. Surgeons of ten years' service...	70 00	8	72 00	1	23 50	165 50	3	2
Asst. Surgeons of five years' service...	70 00	4	36 00	1	23 50	129 50	3	2
Assistant Surgeons of less than five years' service	53 33	4	36 00	1	23 50	112 83	2	2
Pay Department.								
Paymaster-General, $2740 per annum.	.....	.....	.....	.....	.....	288 33	.....	.....
Deputy Paymaster-General.....	95 00	5	45 00	2	47 00	187 00	4	2
Paymaster.....	80 00	4	36 00	2	47 00	163 00	4	2

TABLE OF PAY, SUBSISTENCE, FORAGE, ETC.—*Continued.*

RANK AND CLASSIFICATION OF OFFICERS.	PAY.	SUBSISTENCE.		SERVANTS.			FORAGE FURNISHED FOR HORSES.	
	Per Month.	Number of Rations per day.	Monthly Commutation Value.	Number of Servants allowed.	Monthly Commutation Value.	Total Monthly Pay.	In time of War.	In time of Peace.
Officers of the Corps of Engineers, Corps of Topographical Engineers, and Ordnance Department.	$ c.		$ c.		$ c.	$ c.		
Chief of Ordnance, Brigadier-General..	124 00	12	108 00	3	67 50	299 50	5	4
Colonel	110 00	6	54 00	2	47 00	211 00	5	2
Lieutenant-Colonel	95 00	5	45 00	2	47 00	187 00	4	2
Major	80 00	4	36 00	2	47 00	163 00	4	2
Captain	70 00	4	36 00	1	23 50	129 50	3	2
First Lieutenant	53 33	4	36 00	1	23 50	112 83	2	2
Second Lieutenant	53 33	4	36 00	1	23 50	112 83	2	2
Brevet Second Lieutenant	53 33	4	36 00	1	23 50	112 83	2	2
Officers of Mounted Dragoons, Cavalry, Riflemen, and Light Artillery.								
Colonel	110 00	6	54 00	2	47 00	211 00	5	2
Lieutenant-Colonel	95 00	5	45 00	2	47 00	187 00	4	2
Major	80 00	4	36 00	2	47 00	163 00	4	2
Captain	70 00	4	36 00	1	23 50	129 50	3	2
First Lieutenant	53 33	4	36 00	1	23 50	112 83	2	2
Second Lieutenant	53 33	4	36 00	1	23 50	112 83	2	2
Brevet Second Lieutenant	53 33	4	36 00	1	23 50	112 83	2	2
Adjutant, in addition to pay Reg'l Qr. Master, of Lieutenant...	10 00	.....	.....	.....	.....	10 00	.....	.....
Officers of Artillery and Infantry.								
Colonel	95 00	6	54 00	2	45 00	194 00	4	2
Lieutenant-Colonel	80 00	5	45 00	2	45 00	170 00	3	2
Major	70 00	4	36 00	2	45 00	151 00	3	2
Captain	60 00	4	36 00	1	22 50	118 50	.....	.....
First Lieutenant	50 00	4	36 00	1	22 50	108 50	.....	.....
Second Lieutenant	45 00	4	36 00	1	22 50	103 50	.....	.....
Brevet Second Lieutenant	45 00	4	36 00	1	22 50	103 50	.....	.....
Adjutant, in addition to pay, &c. of Lt.	10 00	.....	.....	.....	.....	10 00	2	2
Reg'l Quartermaster, in addition to pay, &c. of Lieutenant	10 00	.....	.....	.....	.....	10 00	2	2
Military Storekeepers.								
Attached to the Quartermaster's Department; at armories, and at arsenals of construction; the storekeeper at Watertown Arsenal, and storekeepers of ordnance serving in Oregon, California, and New Mexico, $1490 per annum.	.....	.....	.....	.....	.....	.....	.....	.....
At all other arsenals, $1040 per annum.	.....	.....	.....	.....	.....	.....	.....	.....
Chaplains	100 00	2	18 00	.....	.....	118 00	1	1

Paymaster's clerks, $700 per annum, and one ration (75 cents) per day when on duty.

The officer in command of a company is allowed $10 per month for the responsibility of clothing, arms, and accoutrements.—Act 2 March, 1827, Sec. 2.

* Subaltern officers, employed on the *General Staff*, and receiving increased pay therefor, are not entitled to the additional or fourth ration provided by the Act of 2 March, 1827, Sec. 2.

Every commissioned officer below the rank of Brigadier-General receives one additional ration per day for every five years' service.—Act 5 July, 1836, Sec. 12, and 7 July, 1838, Sec. 9.

Forage is commuted only when the Government cannot furnish it in kind, and then at $8 per month for each horse actually kept by the officer.

MONTHLY PAY OF NON-COMMISSIONED OFFICERS, PRIVATES, &c.

CAVALRY.

Sergeant-Major	$21 00	Corporal	$14 00
Quartermaster-Sergeant	21 00	Bugler	13 00
Chief Bugler	21 00	Farrier and Blacksmith	15 00
First Sergeant	20 00	Private	13 00
Sergeant	17 00		

ORDNANCE.

Sergeant	$34 00	Private, first class	$17 00
Corporal	20 00	Private, second class	13 00

ARTILLERY AND INFANTRY.

Sergeant-Major	$21 00	Artificer, artillery	$15 00
Quartermaster-Sergeant	17 00	Private	13 00
First Sergeant	20 00	Principal Musician	21 00
Sergeant	17 00	Musician	12 00
Corporal	13 00		

SAPPERS, MINERS, AND PONTONIERS.

Sergeant	$34 00	Private, second class	$13 00
Corporal	20 00	Musician	12 00
Private, first class	17 00		

BRIGADE BANDS.

Leader	$45 00	Drum-Major	$17 00
Four of the Band	34 00	Four of the Band	20 00
Eight of the Band	17 00		

Medical Cadets (and 1 ration per day)	$30 00	Matrons	$6 00
Hospital Stewards	30 00	Female Nurses, per day and 1 ration 40 cents.	
Master Wagoners (3 Aug. 1861)	17 00	Wagoners (3 Aug. 1861)	14 00

12½ cents per month is to be retained from the pay of each enlisted man of the army, for the support of the "Soldier's Home."

$2 per month is allowed for re-enlistment, and $1 per month additional for each subsequent period of five years' service, provided the enlistment is made within one month after the expiration of each term.

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